

Regional Planning Commission Transmittal Checklist

Hearing Date

4/30/2014

Agenda Item No.

6

Project Number: TR071735-(3)
Tentative Tract Map No. 071735
Case(s): Conditional Use Permit No. 201100122-(3)
Parking Permit No. 201100005-(3)
Environmental Assessment No. 201100192
Planner: Kevin Finkel

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☒ Environmental Documentation (EIR/MMRP, DEIR transmitted to RPC 12/5/13)
- ☒ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☒ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☒ Exhibit Map
- ☒ Landscaping Plans (Conceptual)
- ☒ Hearing Examiner Public Hearing Transcript
- ☒ Conditional Use Permit 98-059
- ☒ ERB Materials
- ☒ Correspondence

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

TR071735

HEARING DATE

April 30, 2014

REQUESTED ENTITLEMENTS

Vesting Tentative Tract Map No. 071735
Conditional Use Permit No. 201100122
Parking Permit No. 201100005
Environmental Assessment No. 201100192

PROJECT SUMMARY

OWNER / APPLICANT

The Malibu Institute

MAP/EXHIBIT DATE

January 15, 2014

PROJECT OVERVIEW

To authorize the construction of The Malibu Institute (Project) within the Santa Monica Mountains Coastal Zone. The Project is seeking a vesting tentative tract map to consolidate 29 existing lots into seven lots; a condition use permit for (1) development of the Malibu Institute project and operation of a sports-oriented educational retreat facility on a 650-acre Project site containing a remodeled 18-hole golf course and 224,760 square feet of structures related to golf, educational, meeting facilities with a cafeteria and lounge, 40 bungalows constructed in 37 individual, a clubhouse with a restaurant/lounge, fitness/wellness center, an outdoor pool with associated shower/changing room, warehouse, a cart storage building, a pro shop, computerized driving range, a maintenance building, a security/information building; (2) the continued sale of alcoholic beverages for on-site consumption; (3) on-site accessory live entertainment in the clubhouse and conference facility; (4) on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill material, which would be balanced on-site with no import or export of fill material; (5) the relocation of an existing helipad in the R-R zone for emergency use by LACFD; and (6) the continued use of a caretaker's residence in the R-R zone; and a parking permit to allow the sharing of code-required parking over two lots. The condition use permit would amend and replace CUP No. 98-059-(3). The Project also proposes to remove a 4,160 square-foot abandoned residence in the northern portion of the project site and conserve over 450 acres of land, which would be left undisturbed and would become permanently dedicated open space.

LOCATION

901 Encinal Canyon Road, Malibu, CA 90265-2405

ACCESS

Encinal Canyon Road and Mulholland Highway

ASSESSORS PARCEL NUMBER(S)

2058-015-003, 2058-015-045, 2058-015-046, 2058-015-037, 2058-015-013, 4471-001-033, 4471-001-032, 4471-001-036, 4471-001-037, 4471-001-039, 4471-001-041, 4471-001-042, 4471-001-043, 4471-002-010, 4471-002-011, 4471-001-028, 4471-001-029, 4471-001-034, 4471-001-035, 4471-003-010, 4471-003-011, 4471-002-026, 4471-002-027, 4471-021-034, 4471-021-033, 4471-003-030, 4471-003-031, 4471-003-032, 4471-021-028

SITE AREA

650 Acres

GENERAL PLAN / LOCAL PLAN

Malibu Land Use Plan

Santa Monica Mountains North Area

ZONED DISTRICT

Malibu

LAND USE DESIGNATION

M2 (Mountain Land – 1 du / 20 acres), 3 (Rural Land – 1 du / 10 acres), 4 (Rural Land – 1 du / 5 acres), 5 (Rural Land – 1 du / 2 acres), N5 (Mountain Lands 5 – 1 du / 5 acres), and N20 (Mountain Lands 20 – 1 du / 20 acres)

ZONE

A-1-1 (Light Agricultural – One Acre Minimum Lot Size), A-1-20 (Light Agricultural – Twenty Acre Minimum Lot Size), R-R-1 (Resort and Recreation – One Acre Minimum Lot Size), RPD-5-0.2-DP (Residential Planned Development)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Santa Monica Mountains North Area

ENVIRONMENTAL DETERMINATION (CEQA)

Environmental Impact Report – Based on the Final Environmental Impact Report, after implementation of project mitigation measures, the Project will not have a significant and unavoidable impact on environmental resources for any of the issues analyzed.

KEY ISSUES

- Consistency with the Malibu Land Use Plan
- Consistency with the Santa Monica Mountains North Area Plan
- Satisfaction of the requirements of Title 21 of the Los Angeles County Code
- Satisfaction of the requirements of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Alcoholic beverage sales, for either on-site or off-site consumption)
 - 22.56.1020 (Parking Permit Burden of Proof Requirements)
 - 22.44.133 (Santa Monica Mountains North Area CSD requirements)
 - 22.24.110 (A-1 Zone Development Standards)
 - 22.24.230 (R-R Zone Development Standards)
 - 22.24.460 (RPD Zone Development Standards)

CASE PLANNER:

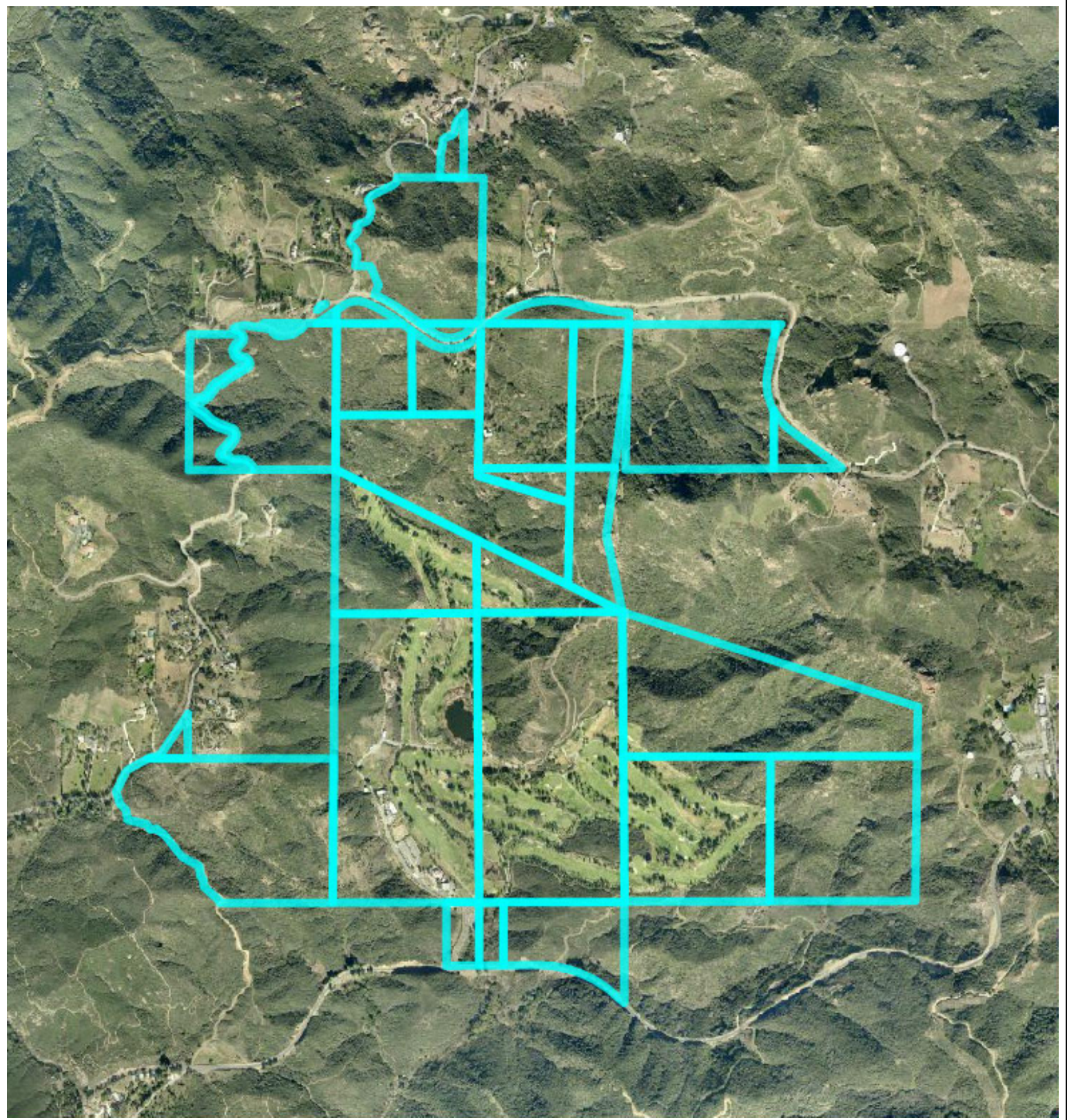
Kevin Finkel

PHONE NUMBER:

(213) 974 - 6422

E-MAIL ADDRESS:

specialprojects@planning.lacounty.gov



Malibu Institute Vicinity Map

Printed: Apr 17, 2014



0 2,000
Feet

Copyright 2013 - Los Angeles County Department of Regional Planning, GIS Section. Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET3. The map should be interpreted in accordance with the GIS-NET3 Public disclaimer statement. Printed with permission from the Los Angeles County Dept. of Regional Planning. All rights reserved.



STAFF ANALYSIS

PROJECT NO. TR071735-(3)
VESTING TENTATIVE TRACT MAP NO. TR071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL ASSESSMENT NO. 201100192

PROJECT DESCRIPTION

The applicant, Malibu Associates, LLC (Applicant), is requesting a vesting tentative tract map, conditional use permit, and parking permit for the development of the Malibu Institute project (Project). The Project would create a sports-oriented educational retreat facility affiliated with the University of Southern California (USC) to complement a remodeled 18-hole golf course on a 650-acre property currently operated at the Malibu Golf Club in the unincorporated Santa Monica Mountains in Los Angeles County. In addition to the remodeled golf course, the Project would also develop a 48,164-square-foot Malibu Institute building consisting of educational and meeting facilities in which educational institutions, businesses, or other organizations could conduct seminars, conferences, and other events. Programming for these activities would consist of educational conferences, seminars, and lectures, and would be available for use by educational institutions and other organizations including charitable foundations. The facility could host seminars, banquets, or receptions for other organizations.

The Project would also develop visitor-serving overnight accommodations to facilitate multi-day programs that may be held on-site. The overnight accommodations would consist of 40 bungalow units in 37 individual structures with four bedrooms per unit, for a total of 160 bedrooms with a maximum occupancy of two persons per room or 320 overnight guests. The structures would be two-stories (four would be single-story) with floor areas ranging from 2,610 square feet to 2,885 square feet for the single bungalow units, and 5,310 square feet for structures with two bungalow units, for a total of 109,140 square feet of floor areas. Each bungalow would include four private bedroom/bathroom facilities and a common lounging area; no kitchen facilities would be included.

Other facilities that would be provided by the Project include a 30,147-square-foot clubhouse with dining and lounge facilities as well as a fitness and wellness center, and an outdoor swimming pool with a poolside shower and changing room. The facility would be available for hosting banquet, educational seminars/conferences, and reception events to be held either indoors or in an outdoor courtyard. The Project would also construct a 12,104-square-foot building containing a golf pro-shop that would provide retail space for golf-related merchandise, eight indoor computerized driving range bays (in place of an outdoor driving range facility), and grill/snack shop. The dining facility and golf-related amenities would be available to the visiting public, those attending conferences, as well as those staying in overnight accommodations.

The Project also would develop support facilities necessary for the upkeep of the Project, including a 10,500-square-foot maintenance building, a 9,162-square-foot golf cart storage barn, a 4,623-square-foot warehouse, and a 120-square-foot security/information building. In total, the Project would develop 224,760 square feet of structures. The structures would reuse the footprint of the existing clubhouse and cart barn for the proposed educational and meeting facilities of the Malibu Institute building. The project also would remove an abandoned residence located in the northern portion of the Project site. The Project would replace existing septic systems with an on-site wastewater treatment plant and relocate an existing unpaved emergency-use helipad to a more central location within the Project site on a relatively flat area that would not require grading or removal of native vegetation. An existing 875-square-foot guest house located in the northern portion of the Project site would be retained for use as a caretaker's residence. Upon completion, the Project would result in 224,760 square feet of structures on the Project site, or a net increase of 201,125 square feet. The Project would provide a total of 387 on-site surface parking spaces to serve its parking needs.

Currently, approximately 118 acres of the property is developed and the Project, as proposed, will be confined within this existing disturbed area. The remodeled golf course would be redesigned using the acreage of 17 of the existing holes (approximately 107 acres) allowing all of the proposed structures and the remodeled golf course to be constructed within the footprint of the previously disturbed areas and with all of the proposed structures clustered on 20 acres at the southern end of the project site near Encinal Canyon Road. With the clustering of development and the reduction in golf course acreage, over 450 acres of predominately undisturbed native coastal scrub and chaparral, including oak woodland forest, will become permanently dedicated open space.

The Project's structures would incorporate sustainable and green design features with the aim of achieving LEED Platinum Certification (or equivalent) as conditioned. Design features include the use of vegetated "green" roofs on many of the Project's buildings, the use of color and shade structures to reduce the heat island effect, charging stations for electric vehicles, the use of geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. Project facilities would be constructed utilizing low-flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems with features such as moisture sensors, drought-resistant turf and landscaping. The water treated in the on-site wastewater treatment plant would be used for irrigation of the landscaping and the golf course. Due to the use of these Project features, the Project is estimated to reduce on-site water demand by approximately 32 percent relative to existing conditions. The Project would incorporate solar panels over shade structures in the surface parking area and on some of the building's rooftops to generate most of the energy needs of the project. A total of 1,590 non-native trees would be removed and native, drought-tolerant landscaping would be provided to

reduce water consumption, provide habitat features and a color palette more consistent with that of the Santa Monica Mountains. Additionally, the Project would replace over 185,000 square feet of existing impervious parking lots and cart paths with pervious material to allow infiltration of storm water. The Project also would provide a shuttle service for individuals or groups of overnight guests arriving or departing from area airports, universities, or other facilities in the region where groups attending a retreat or conference may originate.

As part of the Project, the portions of Trancas Creek which flow through the Project site, primarily through a buried channel, would be dewatered to eradicate invasive species and to remove potentially toxic sediments and connected, restored, and daylighted where possible.

In total, the Project would require 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced on-site.

REQUESTED ENTITLEMENTS

- Vesting Tentative Tract Map No. 071735 to reconfigure lot lines of 29 existing lots to create a total of seven (7) lots over the 650-acre Project site with two (2) lots containing the Project development and five (5) lots dedicated as permanent open space, including the existing caretaker's residence.
- Conditional Use Permit No. 201100122 to authorize the following: (1) development of the Malibu Institute project and operation of an educational retreat facility on a 650-acre Project site containing an 18-hole golf course, educational and meeting facilities with a cafeteria and lounge, overnight visitor-serving accommodations for a maximum of 320 guests, a clubhouse with a restaurant/lounge and fitness/wellness center, an outdoor pool with associated shower/changing room, warehouse, a cart storage building, a pro shop, and a maintenance building; (2) the continued sale of a full-line of alcoholic beverages for on-site consumption; (3) on-site accessory live entertainment in the clubhouse and conference facility with an expected occupancy load of at least 200 people; (4) on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced on-site with no import or export of fill material; (5) the relocation of a helipad in the R-R zone for emergency use by the Los Angeles County Fire Department (LACFD); and (6) the continued use of a caretaker's residence in the R-R zone.
- Parking Permit No. 201100005 to authorize shared use of 387 parking spaces for guests, visitors, and employees associated with proposed development on two (2) of the proposed lots (Lot No. 5 and 6) within the project boundary.

FURTHER REQUIRED ENTITLEMENT(S)

- Coastal Development Permit (CDP) to authorize development of the Malibu Institute project in the Coastal Zone segment of the unincorporated Santa Monica Mountains. Once the Planning Commission considers the subject entitlement requests and issues the approval in concept, the Coastal Commission (or the County of Los Angeles if the proposed Santa Monica Mountains Local Coastal Program is certified) will consider the requested CDP for the Project at a later hearing. In the event that the proposed Santa Monica Mountains Local Coastal Program is certified and the County of Los Angeles issues the CDP, the terms of the CUP, as they pertain to the proposed uses, will extinguish and the proposed Project would be subject to all conditions attached to the grant of the CDP.

As detailed below, a small portion of the Project site is located outside of the Coastal Zone and would not be subject to the provisions of a certified Local Coastal Program. However, because the applicant will be required to retire development potential on this portion of the Project site and dedicate this land as permanent open space as a condition of recording a final tract map, the County does not have any concern that extinguishing some of the conditions applicable to the Project would allow for additional development not covered by the requested entitlements.

LOCATION AND ACCESS

The Project site is located at 901 Encinal Canyon Road in the unincorporated Santa Monica Mountains in western Los Angeles County to the north of the City of Malibu and to the south of the Cities of Agoura Hills, Calabasas, Thousand Oaks, and Westlake Village. The majority of the Project site is located within the Coastal Zone segment of the Santa Monica Mountains; however, a small portion at the northern end of the project site is located outside of the Coastal Zone. Access to the Project site is provided by Encinal Canyon Road on the southerly side of the Project site and Mulholland Highway on the northerly side of the Project site. The portions of Mulholland Highway near the Project site are designated as an official County Scenic Highway.

The areas surrounding the project site are generally undeveloped privately- and publicly- owned lands and large lot rural residential development common along the northern and western boundaries. The County of Los Angeles Camp Kilpatrick secure detention facility is located to the east of the project site along Encinal Canyon Road.

SITE PLAN AND MAP DESCRIPTION

The Project site is comprised of an assemblage of 29 lots that total approximately 650 acres spanning from Encinal Canyon Road on the south to the intersection of Mulholland Highway and Westlake Boulevard on the north. The Project site is currently improved with the Malibu Golf Club, an 18-hole golf course and associated facilities

including a club house, a restaurant/bar, a snack shop, a pro-shop, maintenance facilities, and two surface parking lots with associated driveways. The Project site is also improved with infrastructure such as roads and drainage improvements and an abandoned residence and caretaker's residence, which are located in the northern portion of the Project site. All proposed development would occur on only six of the existing 29 parcels (Assessor Parcel Numbers (APN) 4471-001-034, 4471-001-035, 4471-002-010, 4471-002-011, 4471-021-034, and 4471-003-030) and would be located within the footprint of the previously disturbed area created by the existing golf course and associated facilities.

The majority of the Project site is located within the upper watershed area of Trancas Canyon. Topographically, the majority of the project site is situated in a bowl created by the crest of the upper Trancas Canyon drainage basin. The on-site topography ranges in elevation from valley floors at approximately 1,300 feet above mean sea level (msl) to peaks that reach 1,900 feet to 2,300 feet above msl in the northeast and northwest of the Project site. To the southeast of the Project site, adjacent mountain ridges range from 1,400 to 1,900 feet above msl. To the southwest of the Project site, land forms exhibit gentler slopes and range from 1,400 to 1,700 feet above msl. There are several debris basins located around the periphery of the golf course to dissipate runoff within defined drainage channels, collect sediments, and direct water flows from both the project site and surrounding properties. During construction of the existing golf course, two segments of the original Trancas Creek were culverted as they passed through the golf course. The result was two man-made ponds that exist on the site today and are used as water features for the golf course. All creek water eventually exits the Project site to the south near Encinal Canyon Road and returns to the main Trancas Creek channel.

A portion of significant ecological area (SEA) "Buffer (3A)" extends into the northeastern portion of the Project site. None of the proposed development would occur within or near this SEA. Additionally, there are two areas identified as environmentally sensitive habitat area (ESHA) in the northern portions of the Project site. Across the southern portions of the project site is the upper reaches of the Malibu Creek watershed, a designated significant watershed. Due to the location of the significant watershed in relation to the Project site, the Project was required to be reviewed by the Environmental Review Board (ERB). Western pond turtles and other native animals inhabit the Project site and surrounding areas. Oak trees are located onsite and are to remain untouched and un-encroached upon by the proposed development. Native and non-native species of plants are located throughout the site, particularly within the existing developed areas.

Vesting Tentative Tract Map No. 071735 and Conditional Use Permit No. 201100122 Exhibit "A" map depict a subdivision of seven (7) consisting of two (2) development lots

and five (5) open space lots. Lots 1, 2, 3, 4, and 7, totaling approximately 466 acres, would be dedicated as permanent open space while lots 5 and 6, totaling approximately 184 acres, would contain all development associated with the Project. Lots 1 through 4 would take access from Mulholland Highway, lots 5 and 7 would take access from Encinal Canyon Road; and lot 6 would not have frontage from any adjoining street and staff requests the Regional Planning Commission consider the Applicant's request to waive frontage requirements for this lot.

All development associated with the proposed Project would be limited to lots 5 and 6. Lot 5 would contain 48,164-square foot Malibu Institute building; a 120-square foot information building; a 9,162-square foot cart storage building; a 4,623-square foot warehouse; a 30,147-square foot clubhouse; a 12,104-square foot pro shop/grille; a 10,500 maintenance building; and 40 overnight accommodations bungalows in 37 structures with 4 rooms each. In total, the Project would develop 224,760 square feet of structures. Lot 6 would contain a remodeled golf course. In addition to the dedication of permanent open space, lot 2 would remove an existing abandoned residence and lot 3 would retain an existing caretaker's residence.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning ("DRP") determined by way of an Initial Study and identified in the Notice of Preparation ("NOP") sent to agencies, that an Environmental Impact Report ("EIR") was necessary for the Project. The areas of potential environmental impact addressed in the EIR include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Public Services
 - Fire
 - Sheriff Services
- Recreation
- Transportation/Traffic
- Utilities/Services
 - Water Supply

**PROJECT NO. TR071735-(3)
VESTING TANTATIVE TRACT MAP NO. 071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL ASSESSMENT NO. 201100192**

**STAFF ANALYSIS
PAGE 7 OF 44**

- Wastewater Treatment
- Solid Waste Disposal
- Energy Supply

The DRP determined by way of an Initial Study that there was no evidence the Project would cause significant environmental effects in the following areas and no further environmental review was needed:

- Agriculture/Forest Resources
- Mineral Resources
- Population/Housing
- Public Services
 - Schools
 - Libraries
 - Other Public Services

A Draft EIR ("DEIR") was circulated for a 60-day public review and comment period from December 9, 2013 to February 7, 2014 and copies were delivered to the Regional Planning Commission. Oral comments were also received from members of the public at a Hearing Examiner public hearing held on January 16, 2014 at the Malibu Golf Club. A copy of the Hearing Examiner staff report and transcript of the proceeding have been included in the attachments to this report. As identified in the DEIR, after implementation of the required mitigation measures, the Project would result in no significant and unavoidable impacts to the environment.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of a Regional Planning Commission Hearing by mail, newspaper, property posting, library posting and on the Department's website. Newspaper notices were published on March 27, 2014 in the Malibu Times and La Opinion. Notices to property owners located within a 1,000-foot radius of the property boundaries and to three local libraries were mailed on March 26, 2014. Notices were posted on the subject property on March 28, 2014 and made available on the Department's website on March 26, 2014.

PREVIOUS CASES/PROJECT HISTORY

Golf Course Established

The Malibu Country Club was developed on the Project site as an appurtenant use to a residential development in 1977. The residential development was never constructed due to subsequent litigation that set aside Zoning Cases 5844 and 5867 and changed density and zoning in the area to A-1-1 and R-R-1.

Subsequent Approvals

In 1982, the County issued CUP No. 1453 to authorize the use of a private golf course on the Project site. This CUP expired on November 11, 1999. In 1999, the County approved CUP No. 98-059 (attachment) to authorize the continued use of the Project site for the operation of an 18-hole golf course, clubhouse, and appurtenant facilities, including three caretaker's residences for a period of 20 years, expiring on November 14, 2019. CUP No. 98-059 limits golf course hours from 6:00 a.m. to dusk daily, prohibits night golfing, regulates outdoor lighting, requires implementation of feasible water conservation measures and integrated pest management, and requires the inclusion of local native plant species in the golf course open space perimeter buffer areas and within the Project site's natural open space areas that are located within the riparian corridor of Trancas Canyon Creek. Water quality monitoring and testing also are required. The CUP set specific performance goals in the areas of pesticide, herbicide, and fertilizer use and requires an annual report to the Department of Regional Planning, the National Park Service, the Department of Health Services, and the Resource Conservation District of the Santa Monica Mountains and an annual meeting with the National Park Service to discuss watershed issues.

The existing configuration of the 29 legal parcels is the result of three Lot Line Adjustments approved by the County.

Project History

In 2011, the Applicant submitted an application for the development of the Malibu Institute Project. This Project proposed to develop an educational retreat facility with a remodeled golf course on reduced acreage and associated facilities. The remodeled golf course would only consist of six (6) fairways, allowing for the restoration of approximately 40 acres of the Trancas Canyon Creek headwaters. The Project would include the development of a 118,395-square foot conference and event center, 46,485 square feet of meeting rooms, 58 guest bungalow units (four bedrooms each), an underground parking facility, a 5,720-square foot administration/security building, a wellness center and a golf pro shop, 1-MW solar array, and a 1,000,000-gallon water tank. Additionally, two existing structures in the northern portion of the Project site, consisting of an abandoned residence and a caretaker's house, would remain as they currently exist. In total, 626,904 square feet of structures would be developed alongside the remodeled golf course. In order to accommodate the proposed structures, the structures would have been sited toward the edge of the existing development envelope. As a result of the Project, proposed fuel modification areas would have been expanded into undisturbed areas and numerous on-site oak trees would have been impacted.

As submitted, staff was concerned that the amount of proposed development and the siting of structures could result in substantial impacts to the Project site and the surrounding areas. Additionally, staff was concerned that the reduction in golf acreage down to six fairways would make the golf course effectively unusable, thus reducing public recreation opportunities in the Coastal Zone. Working to address these concerns, the Applicant submitted a revised Project as described in this report. The revised Project significantly reduced the amount of new development proposed (from 626,904 square feet of structures down to 224,760 square feet of structures), sited proposed structures within the existing disturbed footprint such that no new fuel modification would be required, and modified development plans such that no oaks would be impacted. The proposed Project also incorporates numerous other beneficial components as described in the Project Description section of this report. In addition, the Applicant also redesigned the tentative map to consolidate all the undeveloped portion of the Project site into five (5) open space lots for permanent dedication to the County or a public agency.

STAFF EVALUATION

Project consistency with the 1980 County of Los Angeles General Plan and 1986 Malibu Land Use Plan, evaluation of Environmental Review Board (ERB) recommendations, compliance with the County Zoning Ordinance, and evaluation of the applicant's ability to meet the Conditional Use Permit and Parking Permit Burdens of Proof, are determined by the Planning Commission and in consideration of public testimony received on the Draft EIR during the Hearing Examiner public hearing and on comments submitted to staff. The Hearing Examiner public hearing was held primarily to receive public testimony on the Project's environmental document prior to Project consideration by the Regional Planning Commission.

Countywide General Plan ("General Plan"), Environmental Review Board Evaluation (ERB), and Malibu Land Use Plan ("LUP")

The Project is consistent with the goals and policies of the General Plan Non-Urban land use designation and LUP land use designations M2 (Mountain Land), 3 (Rural Land I), 4 (Rural Land II), and 5 (Rural Land III). While a small portion of the Project site falls under the jurisdiction of the Santa Monica Mountains North Area Plan (SMMNAP), because no development would occur on that portion of the Project site and the land would remain undeveloped open space, no analysis of Project consistency is provided, as detailed in Tables 5.9-3 and 5.9-4, Section 5.9, Land Use, of the DEIR. Although an in-depth analysis of the Project's plan consistency is contained in the Land Use Section of the DEIR, the following is a summarized analysis of some key policies:

General Plan Consistency

The Project is consistent with the Countywide General Plan as follows:

- *General Policy 10. Protect areas that have significant resources and scenic values, including significant ecological areas (SEA), the coastal zone and prime agricultural lands.*

The Project would preserve approximately 450 acres of significant resources consisting of ridgelines and slopes in excess of 25 percent grade and inclusive of all ESHAs located on the Project site as open space. The Project would not impact designated SEAs, all of which are located offsite, thus preserving scenic values and significant ecological areas in compliance with this policy. There are no prime agricultural lands on or adjacent to the Project site.

- *General Policy 23. Ensure that development in nonurban areas is compatible with rural lifestyles, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.*

The Project is considered compatible with rural lifestyles as it provides low intensity recreational facilities (e.g. golf course) that are consistent with the site's General Plan designation and zoning category. The Project would not require the expansion of urban service systems beyond those already present. Development would not result in significant unmitigated environmental hazards nor would it expose people of property to serious hazards, as discussed in detail in Section 5.7, Hazards/Hazardous Materials, in the DEIR. In all respects, the Project would be consistent with this policy with the implementation of all regulatory requirements and mitigation measures.

- *Land Use Policy 7. Assure that new development is compatible with the natural and manmade environment by implementing appropriate locational controls and high quality design standards.*

The Project includes a remodel of an existing golf course and clubhouse, construction of new appurtenant facilities, and reconfiguration of surface parking. All development, including the remodeled golf course, would be located within the already disturbed footprint of the existing golf club. All structures would be clustered in the southern portion of the Project's development area and would be designed to be compatible with the surrounding natural environment and with each other. Accordingly, the Project is consistent with this Policy.

- *Land Use Policy 20. Establish land use controls that afford effective protection of significant ecological and habitat resources, and lands of major scenic value.*

The Project is not located within a County-designated significant ecological area (SEA); however, two SEAs are located east of the Project site. Two Environmentally Sensitive Habitat Areas (ESHAs) and a significant ridgeline are located on the Project site, but are outside of the proposed development area and would be protected in perpetuity by the permanent dedication of over 450 acres of pristine, undeveloped areas of the Project site as permanent open space. The Project would replace existing ornamental landscape and existing non-native trees with drought-tolerant native species and would avoid all impacts to on-site oak trees, including the one heritage oak tree on the Project site.

The Project is located at the headwaters of Trancas Canyon Creek, a State-designated Significant Watershed Area (SWA). The Project would implement approved water quality BMPs during its construction and operational phases and will be subject to permit requirements from Regional Water Quality Control Board. The Project would: (1) drain and dredge on-site water features to remove non-native aquatic species that have the potential to migrate off-site into the downstream creek area; (2) install and maintain two new detention basins with water quality functions to help filter debris and potential contaminants washed off of the parking lot and other paved areas by first flush precipitation; (3) install a sand cap over the golf course to filter nuisance runoff and precipitation-generated sheet flow; (4) reduce amount and toxicity of pesticides, herbicides and fertilizers used at the site and expand the use of organic alternatives to control pests and weeds; (5) install green roofs where feasible to reduce potentially polluted wash-off from building roof areas; and (6) utilize pervious pavement in parking lots and golf cart paths to allow percolation and filtration of rain and irrigation water and reduce potential contaminant wash-off. See Section 5.8, Hydrology and Water Quality.

Mulholland Highway, a designated scenic corridor, traverses the Project site near its northern boundary; however, the development area would not be substantially visible from the corridor and all proposed structures would be designed to be visually compatible with the surrounding landscape. Residential uses in proximity to the Project site are visually separated from the development area by rugged terrain and ridgelines that block views. For these reasons, the Project would be consistent with this Policy.

- *Land Use Policy 24. Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic, and environmental costs.*

The Project would provide transportation to/from LAX and other nearby airports and pick-up/drop-off service for large local groups via privately operated shuttle service to reduce the number of trips made by Institute visitors. The provision of onsite

overnight accommodations for guests, as well as a restaurant, snack bar, and other visitor-serving facilities would reduce the number of off-site vehicle trips that visitors would be required to make, ensuring consistency with this Policy.

- *Land Use Policy 25. Promote land use arrangements that will maximize energy conservation.*

The Project would include solar arrays, which would supply approximately 50 percent of the Project's energy needs. The Project would incorporate energy efficiency features with the goal of achieving LEED™ Platinum certification or equivalent, which is the highest rating for sustainability. Efficiency features such as green roofs, building orientation, and window shielding would help provide passive cooling and reduce energy consumption in compliance with this Policy.

- *General Conditions and Standards for Development. It is the intent of the General Plan to permit uses that are compatible with hillside factors and suitability factors, that do not create demand for public investment in urban services and facilities, and that do not cause significant adverse environmental impacts. Uses compatible within non-urban hillside management areas include recreation and public uses, which by their nature can be appropriately located in remote hillside areas.*

The Project would remodel, and expand the facilities and services provided at the location of an approved and operating public golf course within the existing development footprint. Approval of the Project would permit the removal of existing non-native vegetation and its replacement with drought-tolerant native species. As a recreational use incorporating native vegetation and maintaining the majority of the site in natural open space, the Project would be compatible with its hillside surroundings. As a remodel of an existing use served by existing roads and utilities, the Project would not create a new demand for public investment in urban services and facilities. Implementation of mitigation measures, Conditions of Approval for the proposed Vesting Tentative Tract Map (VTTM) and Conditional Use Permit (CUP), compliance with the conditions of various required jurisdictional agency permits, and other existing regulatory requirements would ensure the reduction of any potentially adverse environmental impacts associated with the Project's development to a less than significant level while also ensuring that Project development is evaluated and conditioned consistent with its location within hillside areas, consistent with this Policy.

- *General Conditions of Development. Non-urban hillside management areas are defined as lands characterized by natural slopes of 25 percent or greater, not designated for future urban use nor scheduled to receive urban level of services as designated in the Conservation and Open Space Element Maps. Many non-*

residential uses may be appropriately located in non-urban hillside management areas. Certain uses, by their nature, require remote hillside locations. Nevertheless, for public safety, resource protection, and general land suitability, safeguards are necessary to discourage intensive development and to minimize environmental disruption and the loss of scenic and open lands. Where it is determined that specific uses may appropriately be located in hillside environs, they shall be reviewed for compliance with applicable performance criteria. Additional factors, such as the presence of significant ecological resources, may also impose special review requirements. Subject to the above conditions, the following uses may be appropriate: (5) commercial resort and recreational uses, including visitor accommodations, services, and facilities, when designed in a manner compatible with and sensitive to natural resources and scenic amenities. Performance Review Criteria include (1) Geologic, Seismic and Slope Stability; (2) Fire, Flood and Erosion; (3) Resource Projection – Drainage Networks; (4) Biotic Resources; (5) Cultural Resources; (6) Scenic Resources; (7) Suitability for Development; (8) Water Supply and Waste Disposal; (9) Road Capacity; (10) Quality of Design and Grading; (11) Building Placement and Design; (12) Landscaping; (13) Utility Lines; (14) Signage.

While the Project site includes areas of slope in excess of 25 percent, these areas are located outside of, or along the edges of the proposed Project development area. The Project site is not designated or designed for future urban use. The proposed uses (golf course, overnight accommodations, educational facilities, clubhouse, restaurants, and related ancillary facilities) are consistent with the uses permitted in Non-Urban Hillside Management Areas and are additionally permitted with a conditional use permit under the existing zoning.

The DEIR includes review and analysis of potential adverse impacts that could be associated with Project implementation and imposes mitigation measures where needed to ensure that potentially significant environmental impacts are reduced to less than significant levels, and to require the applicant to demonstrate compliance with the above-mentioned performance review criteria. (1) Section 5.5, Geology and Soils, assesses geologic, seismic, grading design, and slope stability issues and imposes mitigation measures as needed to ensure less than significant impacts; (2) Section 5.8, Hydrology and Water Quality, addresses flood, drainage networks, and erosion issues and imposes mitigation measures where necessary to ensure less than significant impacts. Erosion is also addressed in Section 5.5, Geology and Soils, and in Section 5.2, Air Quality; (3) Wildfire and issues associated with wildland/urban interface, including the provision of adequate fire suppression services, are addressed in Section 5.11.1, Fire Protection Services, and in Section 5.7, Hazards/Hazardous Materials; (4) Section 5.3, Biological Resources, addresses the protection of natural biotic resources including habitat preservation and

enhancement. Section 5.8, Hydrology and Water Quality, addresses the preservation and protection of surface water and ground water resources both on and off-site; (5) Section 5.4, Cultural Resources, addresses the protection of any cultural resources associated with the Project site; (6) the quality of design, building place, landscaping, signage, and the protection of scenic resources are addressed in Section 5.1, Aesthetics and Visual Resources; (7) Sections 5.14.1 and 5.14.2, Utilities/Water Supply and Utilities/Wastewater Treatment, address water supply and waste disposal as well as the location and adequacy of utility lines; and (9) Section 5.13, Traffic and Access, addresses the issue of road capacity. Each discussion and analysis is supported by technical studies and/or other CEQA-acceptable technical data. Compliance with existing regulations and applicable LUP performance criteria and mitigation measures would reduce any adverse impacts associated with the development of the Project to a less than significant level.

- *Conservation and Open Space Policy 2: support conservation of energy and encourage the development and utilization of new energy sources including geothermal, thermal waste, solar, wind, and ocean-related sources.*

Inclusion of sustainability features that would minimize consumption of gas and other carbon-based fuels is a central development concept of the Project. Internal site circulation would be via electric vehicles, bicycles, or walking via pedestrian walkways and golf cart paths. Installation of photovoltaic panels above the parking lot shade structures and on the roofs of selected buildings would generate most of the electrical needs of the Project. The Project also would include energy efficient design features including green walls, use of color and shade structures to reduce heat island effect, and the use of vegetated roofs for passive cooling. All of these efforts are consistent with this General Plan Policy.

- *Conservation and Open Space Policy 3: Promote the use of solar energy to the maximum extent possible.*

Installation of photovoltaic panels above the parking lot shade structures and on the roofs of selected structures would generate most of the electrical needs of the Project and would promote the use of solar energy, therefore it is consistent with this Policy.

- *Conservation and Open Space Policy 4: Protect ground water recharge and watershed areas, conserve storm and reclaimed water and promote water conservation programs.*

Water conservation for the Project would be accomplished through reduction of the golf course footprint, reducing the amount of turf requiring irrigation and installation

of a new irrigation system. Water conservation would also be achieved through the removal of over 1,500 non-native trees and other existing ornamental landscaping with high water requirements and the incorporation of drought tolerant native species for landscaping and the replacement of turf grass with varieties that have lower water demands. The existing golf course irrigation system, consisting of older, less efficient components, would be replaced with “smart irrigation” systems with features that further reduce water use. Wastewater generated on the Project site would be treated in the site’s wastewater treatment facility to a tertiary level appropriate for use as irrigation water for the public golf course and other landscaped areas, reducing use of potable water on the Project site as a preferred option. In the event that recycled water is not used for irrigation, the tertiary treatment level is appropriate for use in subsurface infiltration. Surface water quality would be enhanced by the use of water quality BMPs incorporated into the Project’s design, including the installation of two detention basins and bioswales. This would improve the quality of water discharged downstream from the site as compared to the existing condition. Additional water quality improvement measures would include sand-capping of the golf course, use of pervious paving in the parking lot and other previously paved impervious areas, use of vegetated roofs, reduction in the level of pesticide, herbicide, and fertilizer use, and the use of nonchemical alternatives, therefore the Project is consistent with this Policy.

- *Conservation and Open Space Policy 7: Preserve significant ecological areas and habitat management areas by appropriate measures including preservation, mitigation, and enhancement.*

The Project would conserve existing ESHAs within the Project site through dedication of these areas as permanent open space. The Trancas Canyon Creek Significant Watershed Area (SWA) would be improved through implementation of water quality measures in compliance with this Policy.

- *Conservation and Open Space Policy 8: Protect the quality of the coastal environment. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles.*

The Project would protect the quality of the coastal environment by dedicating over 450 acres as permanent open space within the coastal zone and by preserving and enhancing an existing recreational resource in a manner consistent with sound resource conservation principles consistent with this Policy.

- *Conservation and Open Space Policy 13: Encourage open space easements and dedication as a means of meeting scenic, recreational, and conservation needs.*

The Project would result in the dedication of over 450 acres as pristine open space within the Santa Monica Mountains National Recreation Area (SMMNRA). This dedication would help to conserve scenic resources, add to the recreational resources available within the SMMNRA, and help to meet conservation needs as provided in the NPS SMMNRA General Management Plan, therefore the Project is consistent with this Policy.

- *Conservation and Open Space Policy 16: Protect the visual quality of scenic areas including ridgelines and scenic views from public roads, trails, and key vantage points.*

Mulholland Highway is a State-designated scenic Highway and Encinal Canyon Road is identified as a potential scenic route in the Scenic Highway Element of the General Plan. The Project site is intermittently visible from these roads. Hiking and biking trails also offer public views of the Project site. However, analysis in Section 5.1, Aesthetics, of the DEIR determined that significant ridgelines block most views of the development area. Rather, the ridgelines and undeveloped peaks are the areas of the Project site that are visible from public viewpoints. Roadside landscape and native vegetation and intervening ridgelines also screen the golf course from Encinal Canyon Road. Visual simulations provided in Section 5.1 of the DEIR illustrate the visual impact of the Project and demonstrate that the proposed structures would not interfere with views of ridgelines or other designated scenic resources. Mitigation measures also are proposed in Section 5.1 of the DEIR to further reduce any potential visual effects so that the Project would be fully consistent with this Policy.

- *Conservation and Open Space Policy 27: Provide low intensity outdoor recreation in areas of scenic and ecological value compatible with protection of these natural resources.*

The Project would remodel an existing public golf course and cluster development within the already disturbed footprint of the existing Malibu Golf Club and would preserve over 450 acres of undisturbed hillside and ridgeline areas surrounding the development site with scenic and ecological value, including areas that meet the definition of ESHA. Water quality improvements would contribute to the planned restoration of the downstream Trancas Canyon Creek SWA.

- *Transportation Policy 19: Support traffic-operation improvements for improved flow of vehicles.*

The Traffic Impact Study prepared for the Project demonstrates that existing street systems and potentially affected intersections currently operate at level of service A and would continue to operate at acceptable levels of service in the cumulative condition with the Project in the future. The Project can actually improve traffic flow as it provides overnight accommodations in the Santa Monica Mountains area, which it currently lacks, and thereby effectively reduces potential traffic trips generated by out of the area visitors. No street widening and no new traffic calming or traffic control measures would be required for the Project, which would not have an adverse impact on the flow of vehicles in the Project vicinity, consistent with the intent of this Policy.

- *Transportation Policy 26: Encourage the efficient use and conservation of energy used in Transportation.*

The use of passenger shuttles to transport Project guests to/from airports and other group pickup points would result in a more efficient use (and conservation) of energy used in transportation. In addition, electric golf carts would be used to provide on-site transportation and walking paths linking buildings and uses would encourage walking between locations by guests, also resulting in the conservation of energy used in transportation consistent with this Policy.

- *Scenic Highway Policy 3: Protect and enhance aesthetic resources within corridors of designated scenic highways.*

See consistency discussion regarding Conservation and Open Space Policy 16 above.

- *Water and Wastewater Policy 21: Design and construct new water and waste management facilities to maintain or protect existing riparian habitat.*

The Project site is located at the headwaters of Trancas Canyon Creek, a Significant Watershed Area. Existing riparian habitat exists upstream and downstream of the proposed development area of the Project site. Potable water is provided to the Project site by the Las Virgenes Municipal Water District and is used for domestic supply and irrigation. Irrigation water is also provided by on-site wells and by potable water supplied by LVMWD. The Project site is not served by a municipal sewer system and it is currently relying on existing septic systems for wastewater disposal. The Project would construct its own Onsite Wastewater Treatment Facility (OWTF) to treat and recycle wastewater to meet Los Angeles Regional Water Quality Control Board (LARWQCB) standards for use in irrigating the golf course or in subsurface infiltration. With the exception of the system for the caretaker's residence near Mulholland Highway, all existing septic systems currently serving the Project site would be abandoned pursuant to applicable requirements. All storm and irrigation

runoff and first flush storm flows would be held and filtered by onsite water quality BMPs, including detention basins. With implementation of existing State and local regulations and permit requirements, the Project would be consistent with this Policy.

LUP Consistency

Many policies of the LUP reinforce policies of the General Plan cited above. The Project is consistent with the policies of the LUP. In addition to similar General Plan policies already discussed above, applicable LUP Policies are summarized as follows:

- *Policy P1: Provide recreational opportunities to meet the variety of recreation demands.*

The Project would improve recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing golf course and expanding the services and facilities available to include conference space for educational programs, and an expanded clubhouse. While the golf course would remain available to the general public, the availability of restaurants, a snack bar, driving range, swimming pool, and other amenities would serve the needs of overnight guests on-site while also providing access to facilities, such as restrooms, restaurant, and a snack bar, for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway. With its proposed facilities, the Project would be consistent with this Policy.

- *Policy P9: Utilize open space easements and dedications, where appropriate, to facilitate the objectives of a recreational program.*

The Project would dedicate over 450 acres as pristine open space in the Santa Monica Mountains National Recreation Area in conformance with this policy.

- *Policy P11: Encourage the Santa Monica Mountains National Recreation Area to provide a wide variety of outdoor recreational activities and opportunities to metropolitan Los Angeles.*

The Project is a privately owned and managed project located in the SMMNRA. Currently, the Project site provides recreational opportunities through a public golf course. The Project would remodel the golf course, which would remain open to the public, and would add additional amenities including facilities for education and for overnight accommodations, which would add to and/or support the recreational uses available in the SMMNRA, consistent with this Policy.

- *Policy P14: Program recreational use to minimize the adverse impact on natural elements.*

The Project would remodel the existing golf course. In doing so, the Project would implement water quality improvements and remove antiquated septic systems, which would be replaced with an on-site waste treatment facility to recycle wastewater for irrigation or subsurface infiltration. The Project also would install photovoltaic panels to provide power for the Project. Existing non-native ornamental landscaping would be removed and replaced with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing on-site water features (i.e., ponds) would be drained, dredged and cleaned to remove non-native aquatic species to prevent the spread of these species downstream. The Project would reduce environmental impacts associated with the current use of the site while maintaining its recreational values, consistent with this Policy.

- *Policy P17: Encourage the development of commercial and visitor serving facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking, and when feasible, which are focused at locations where existing low cost recreation uses will be enhanced.*

The Project would remodel an existing golf club. The site is accessed by public streets from multiple locations, would contain adequate, convenient parking and adequate infrastructure to serve the Project. Additions to the Project site include overnight guest accommodations, a restaurant, computerized driving range, and related amenities that not only would serve the Institute but would serve the general public, including hikers and bike enthusiasts using the future Class 3 bike lane on Encinal Canyon Road between Pacific Coast Highway and Mulholland Highway, consistent with the intent of this Policy.

- *Policy P18b: Protect, expand, and where feasible, provide new lower cost recreation and visitor-serving facilities, especially public recreational facilities. In particular, consider the feasibility of providing lower-cost hostels in conjunction with development of new hotels. Encourage any new or expanded facilities to utilize sensitive design that is well integrated with the surrounding environment and public access.*

The Project would remodel an existing golf club and continue to operate the facility as a publicly-accessible recreation resource. The Project's proposed structures would be designed to be sensitive to the surrounding environment and to each other and would work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and

developed area of the existing golf course. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed, consistent with this Policy.

- *Policy P18c: On land suitable for visitor-serving commercial recreational facilities, provide priority to visitor serving facilities over private residential, general industrial, or general commercial development.*

The Project is a private commercial recreational facility (golf course) open to the public. The alternative use for the Project site based on its zoning and general plan designation is for large and very large residential estate development. Continuation and improvement of the golf facilities and the addition of educational facilities, overnight guest accommodations, and related uses rather than development of residential uses is consistent with this Policy.

- *Policy P19: Ensure that the types and intensities of commercial recreational uses are environmentally compatible with the area and the site.*

The Project would continue an existing commercial recreational use (i.e., a privately owned, publically available golf course) and expand available recreational and visitor-serving uses within the footprint of the existing golf course in an environmentally responsible manner as discussed elsewhere in this consistency analysis and in Sections 5.1 – 5.14 of the Project's DEIR. The changes contemplated by the Project would enhance its environmental compatibility by improving water quality.

- *Policy P21: Encourage that recreation-oriented commercial uses serve as support facilities for public recreation areas.*

The Project's facilities would be available to the public and would provide support for hikers and bikers utilizing the Backbone Trail in the Santa Monica Mountains National Recreation Area and the Class 3 bike lane on Encinal Canyon Road, consistent with this Policy.

- *Policy P59: Trancas Canyon and other areas identified by the Department of Fish and Game shall be added to the list of Significant Watersheds.*

Trancas Canyon has been added to the list of Significant Watershed Areas (SWA) pursuant to this Policy and the Project is designed to help improve water quality, as discussed in Section 5.8, Hydrology, of the Project's DEIR, by eliminating downstream contamination by invasive aquatic species to the extent feasible as

presented in the Biological Resources Section and addressed by mitigation measures included to ensure the protection of resources within this SWA.

- *Policy P63: Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of the LCP.*

The remodeled golf course portion of the Project would continue to be located outside of the boundaries of the Zuma Canyon Significant Watershed. The Malibu Institute portion of the Project would be located just inside the boundaries of the Zuma Canyon Significant Watershed, and thus, it would be required to comply with the standards contained in Table 1. Table 1 standards limit development on any parcel within a Significant Watershed to educational facilities, among other resource dependent uses. As the Malibu Institute portion of the Project would be an educational retreat facility, the Project would be consistent with the use requirements of Table 1. Additionally, Table 1 requires development occurring within significant watersheds be clustered and sited as close to the periphery of the Significant Watershed and existing roadways as possible. The Malibu Institute structures would be constructed just inside of, and straddling, the limits of the designated Significant Watershed, would be clustered together within the footprint of the existing disturbed area, and would be developed adjacent to an existing roadway accessing the Project site. In addition, the Project is not generating negative environmental effects to natural resources such as vegetation, streambeds and natural drainages. Therefore, the Project would be consistent with this policy.

- *Policy P68: Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.*

The development area of the Project would not be located within an ESHA. Storm water runoff during construction and operational phases has the potential to contain pollutants that could adversely impact sensitive biological resources within Trancas Canyon, a designated Significant Watershed Area. Implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County's Low Impact Development Ordinance would be required for this Project during construction and operational phases. With implementation of requirements pursuant to the Project's regulatory permits and on-going monitoring pursuant to the MMRP, the Project would be consistent with this Policy.

- *Policy P69: Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts, and shall be compatible with the continuance of such habitat areas.*

Two areas within the open space area of the Project site have been designated ESHAs due to the quality of the habitat found there. Development of the Project site has been sited so as to avoid any impacts or degradation of these areas, and further protected by their inclusion as part of the dedicated open space and implementation of the recommendations by the ERB; therefore, the Project is consistent with this policy.

- *Policy P74: New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.*

The Project would remodel the existing golf course and associated facilities within the footprint of the existing golf course, which is accessed from Encinal Canyon Road, a paved public street, and is provided with potable water by existing LVMWD infrastructure. On-site wastewater treatment would be provided through installation of a new on-site water treatment facility that would produce recycled water suitable for use in irrigation or subsurface infiltration. The existing septic systems, with the exception of the system for the existing caretaker's residence near Mulholland Highway, would be abandoned pursuant to a permit issued by the County Department of Public Health. By using an already disturbed area of the Project site and improving its water quality features, wastewater facilities, water conservation components, and replacing non-native ornamental landscape with drought tolerant native species, the Project would minimize its effects on sensitive environmental resources onsite and downstream to ensure consistency with this Policy.

- *Policy P84: In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.*

The Project would include the removal of non-native ornamental landscaping and plant native, drought-tolerant species as required within ESHAs and Significant Watersheds. Species used would comply with fire safety requirements, including requirements for fuel modification in the vicinity of occupied structures, consistent with this policy.

- *Policy P90: Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.*

The Project is located in an upland area of the Santa Monica Mountains. The Project site has been designed to minimize impacts and alterations of physical features by limiting development to the existing disturbed footprint of the already existing golf course. Grading would be required within these areas to create building pads for proposed structures, install needed infrastructure, and remodel the golf course. All cut and fill would be balanced on-site and would meet the requirements for Hillside Grading established by the County Engineer, consistent with this Policy.

- *Policy P125: New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.*

The Project would be sited and designed to protect public views from County-designated scenic highways and corridors as well as from public trails in the vicinity of the Project site. Development would be confined to the footprint of the existing golf course. Views from Encinal Canyon Road and Mulholland Highway are largely obstructed by intervening topography; as such, the Project is consistent with this Policy.

- *Policy P129: Structures should be designed and located as to create an attractive appearance and harmonious relationship with the surrounding environment.*

The Project's proposed structures would be consistent in design and work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course. Features such as green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed to ensure consistency with this Policy.

- *Policy P137: Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.*

The Project would remodel an existing golf club. All buildings would be clustered in the southern portion of the 650-acre Project site and would not block off-site views, by adhering to applicable development standards, in compliance with this policy. The

Project's proposed structures would be consistent in design and work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed, consistent with this Policy. The Project would be sited and designed to protect public views from County-designated scenic highways and corridors as well as from public trails in the vicinity of the Project site. Development would be confined to the footprint of the existing golf course. Views from Encinal Canyon Road and Mulholland Highway are largely obstructed by intervening topography, consistent with this Policy.

- *Policy P217: Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.*

The Project would abandon the existing outdated septic system currently serving the golf club with the exception of a single septic tank that serves the caretaker's residence by Mulholland Highway. Abandonment would be accomplished pursuant to existing regulations for abandonment issued by the County of Los Angeles. The Project would install an on-site wastewater treatment facility designed to retain solids in holding tanks while treating liquid wastes to a level required for the use of recycled water on public golf courses. The system would be operated and monitored pursuant to the provisions of the permit issued by the LARWQCB. Replacement of the existing septic system with a modern wastewater treatment facility would serve to improve and protect downstream waters in Trancas Canyon Creek, which discharges directly into the Pacific Ocean, from coliform bacteria and other toxics that can be the result of septic system malfunction. The design of the proposed system is, therefore, consistent with this Policy.

- *Policy P236: All new developments shall be encouraged, where feasible, to best utilize the existing water facilities.*

The Project receives potable water from the Las Virgenes Municipal Water District, which has adequate facilities to provide the amount of water required by the Project. In addition, there are six operating groundwater wells on the site, which produce water used for irrigation of the golf course. This supply would be supplemented by recycled water made available through the Project's wastewater treatment facility and recycling program, which would help to reduce the amount of potable water needed for landscape maintenance from the Las Virgenes Municipal Water District,

in compliance with this Policy. In total, the Project's features would reduce water needs by approximately 32 percent. The Project is consistent with this policy.

- *Policy P238: Encourage the development of standards and policies that will maximize the beneficial uses of reclaimed water and reduce the need for exploiting domestic water supplies.*

The Project is consistent with this policy as it would use a wastewater treatment facility to recycle wastewater for use in irrigating of the golf course, maximizing the beneficial uses of reclaimed water and reducing demand for potable.

- *Policy P241: Require all new development in existing developed areas to be in accordance with a water conservation program.*

The Project would implement water conservation programs including the installation of water-efficient plumbing fixtures and irrigation systems and use of recycled wastewater for irrigation consistent with the County's Low Impact Development (LID) requirements and other applicable codes and regulations of the Los Angeles County Code.

- *Policy P271(a)(1): Residential Rural Land. Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include: large lot residential uses. Low-intensity commercial recreational uses, agriculture activities, the less intensively developed or open space portions of urban and rural developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional use, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The following maximum residential density shall apply:*

Rural Land I – one dwelling unit per ten acres average, consistent with other policies of the LCP.

Rural Land II – one dwelling unit per five acres average, consistent with other policies of the LCP.

Rural Land III – one dwelling unit per two acres average, consistent with other policies of the LCP.

The Project would remodel the existing 118-acre golf course utilizing design features that will provide an environmentally superior golf course and add an educational

facility with overnight accommodations in 40 bungalows to increase visitor access to the Coastal Zone on approximately 20 acres of the 650-acre property. The Project development would occur entirely within the area previously disturbed by the existing golf course. Over 450 acres of the property, consisting mostly of undeveloped hillsides, would be dedicated to a public agency as permanent open space. Improvements to the remodeled golf course would remove approximately 1,590 non-native trees, include sand-capping of the fairways and other measures to promote infiltration of stormwater and improve water quality, install photovoltaic panels with the goal of generating the majority of the Project's energy needs, and construct a wastewater treatment system that would generate approximately 40,000 gallons per day to be used to partially irrigate the course. Overall the Project would reduce the use of water on the site by approximately 32% and would retain the last public golf course within the Santa Monica Mountains Coastal Zone. The Project also would restore habitats at the existing golf course ponds, which are hydrologically connected with Trancas Creek. The golf course ponds would be temporarily dewatered to eradicate invasive animals and vegetation and sediment would be removed to improve functional capacity and remove any toxins such as pesticides and herbicides that may have accumulated in bottom sediments. The ponds then would be refilled and replanted with native vegetation. As discussed in this Draft EIR, the Project would have a less than significant impact on the environment.

The Project would consist of less new development than would be allowed under the maximum residential density standards of this policy. According to the LUP Map within the 1986 Malibu Land Use Plan Land Use Element, the development area and golf course at the Project site are designated as Rural Lands II and III (RL-II, RL-III). The areas located around the development area, comprising the majority of the 650-acre Project site, are designated Mountain Lands (M2) and Rural Lands (RL-I, RL- II, RL-III). The Rural Land designations allow for the establishment of visitor-serving, resource-based commercial recreation uses characterized by large open space areas, limited building coverage, and minimal modification of the natural environment.

Two of the principal permitted uses of these land use categories are low-intensity commercial recreational uses and lower cost visitor recreational uses. The Project would create a low-intensity project by limiting development to areas of existing disturbance and incorporating LEED Platinum design principles, such as green roofs, moisture sensing irrigation system, solar panels, drought tolerant landscaping, waste recycling, and development of a transportation system utilizing shuttles and electric vehicles.

Furthermore, the zoning for most of the development area, Resort-Recreation (R-R), is consistent with the Malibu Land Use Plan designation. The R-R zone allows for

golf courses with clubhouse facilities by right, and hotels, colleges/universities with appurtenant facilities, guest ranches, restaurants and grading projects with a conditional use permit. Accordingly, these uses are consistent within the designated Rural Land portion of the property.

Permitting development of 224,760 square feet on 20 acres within the larger 650-acre Project site (approximately 0.3% of the total property) balances the need for visitor-serving recreational facilities in the Santa Monica Mountains with the protection of sensitive natural resources. It would allow clustered development in the existing disturbed areas in the southern portion of the Project site, adjacent to Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the Project site consistent with the Land Use Element policies to “enhance recreational opportunities” and “protect the integrity of existing rural communities.” The Project would protect the integrity of existing rural community by providing buildings simple in form, function and architectural character to complement the mountainous character of the surrounding property. Landscaping, including mature oaks trees and other native trees, would screen buildings from Encinal Canyon Road and Mulholland Highway.

The majority of the remaining areas of the property designated as M2 (Mountain Lands) and RL-I, II, and III, approximately 450 acres, could potentially be developed with single-family residences and recreational uses. Residential development on these parcels would disturb ESHA and Sensitive Environmental Resource Areas (SERA) and require large fuel modification buffers. Clustering development on 20 previously disturbed acres, approximately 0.3 percent of the 650-acre property, in the southern portion of the property would allow the Project to provide over 450 acres of this undisturbed native habitat as permanently dedicated open space, consistent with the goal of the Malibu LUP to “preserve the unique natural resources and fragile environment of the Malibu/Santa Monica Mountains Coastal Zone for the enjoyment of millions of Los Angeles area residents and visitors.” The low-intensity educational retreat therefore would be consistent with this policy and with the Rural Land I, Rural Land II and Rural Land III designations.

- *Policy P273: Development shall conform to Chapter 3, as amended, of the California Coastal Act of 1976.*

Chapter 3 of the California Coastal Act contains the policies that constitute the standards by which adequacy of local coastal programs and of proposed developments are determined. With respect to local coastal programs, the applicability of the Chapter 3 policies is limited to the land use plans of the Local Coastal Program. With respect to the Project, Article 3 (Recreation) of Chapter 3 indicates that the use of private lands suitable for visitor-serving recreational facilities

designed to enhance public recreational activities shall have priority overall private residential, general industrial, or general commercial development. Article 5 (Land Resources) of this Chapter, states that environmentally sensitive habitat areas shall be protected and development near them sited and designed to be compatible with the continuance of such areas. Article 6 (Development) requires that new development be located within, contiguous to, or in close proximity to existing developed areas or in areas with adequate public services where it would not have significant adverse effects either individually or cumulatively on coastal resources. The Project conforms to the provisions of Chapter 3 as cited above: the Project is a visitor serving recreational facility designed to enhance public recreational activities and access to the surrounding areas, it preserves both on and offsite environmentally sensitive habitat areas and is located within the footprint of an existing developed area with adequate public services and is therefore consistent compliant with this Policy.

Environmental Review Board Compliance

Due to a portion of the Project site's location within the Zuma Canyon Significant Watershed sensitive environmental resource area, the proposed Project was required to be reviewed by the Environmental Review Board (ERB) for consistency with the resource protection policies of the Malibu Land Use Plan. The Project was initially reviewed by the ERB in November 2012. At this meeting, the ERB made several recommendations () to mitigate potential resource impacts and noted that further ERB review would be required. ERB materials from November 2012 are attached to this staff report.

The Project returned to ERB for follow-up review in February 2014. For this meeting, the County staff biologist submitted a report (attached ERB materials) discussing the Project's responsiveness to the ERB's recommendations. The County staff biologist found that the Project incorporated ERB's recommendations and that the Project, as designed, is consistent with the conservation goals of the Malibu Land Use Plan. At this meeting, ERB members approved additional recommendations for the Project as well as the findings of the County staff biologist's report. The Applicant agreed to the additional recommendations made by ERB. ERB materials from February 2014 are attached to this staff report. Despite the Project's compliance with and incorporation of ERB recommendations, however, ERB concluded later during the same meeting and without the applicant or staff present, that the Project is inconsistent with the resource protection policies of the Malibu Land Use Plan due to concerns regarding the Project's intensity, its location within a significant watershed, and that the Project would introduce too much construction and too many visitors.

Based on Project design features that implement ERB's recommendations, the sensitivity to site design, the numerous benefits of the Project, analysis of applicable

resource protection policies, the land use and zoning consistency analyses contained in this report, the environmental impact analysis contained in the DEIR, and the mitigation measures contained in the MMRP, staff respectfully disagrees with the ERB's determination. Staff supports the staff biologist's recommendation that the Project is consistent with the resource protection policies of the Malibu Land Use Plan.

Zoning Ordinance Development Standards Compliance

Zoning Requirements

The Project complies with the development standards of the R-R-1 (Resort and Recreation) and A-1-1 (Light Agricultural) zones. The proposed Project is comprised of:

- the Malibu Institute (meeting rooms and lecture hall), which is permitted in the R-R-1 zone with a conditional use permit;
- the overnight bungalow accommodations, which are permitted in the R-R-1 zone with a conditional use permit;
- the remodeled golf course, which is a principal permitted use in the R-R-1 zone and requires a conditional use permit in the A-1-1 zone;
- the administration/security building, which is permitted in the A-1-1 zone with a conditional use permit;
- a golf pro shop/cart barn, which is permitted in the R-R-1 zone as appurtenant to the golf course and in the A-1-1 zone as appurtenant to the A-1-1 zone with a conditional use permit;
- the maintenance and warehouse buildings; which are permitted in the R-R-1 zone as appurtenant to the golf course;
- the restaurant/bar/cocktail lounge is permitted in the R-R-1 zone with a conditional use permit and where the sale of alcohol is also permitted with a conditional use permit;
- accessory live entertainment associated with the conference center and restaurant is permitted in the R-R-1 zone;
- Project required grading, which is permitted in both the R-R-1 and A-1-1 zones with a conditional use permit;
- the retention of the existing water tank, which is permitted in the R-R-1 zone with a conditional use permit; and
- the relocated helipad, which is permitted with a conditional use permit.

Parking Permit Requirements

The Los Angeles County Zoning ordinance, Part 11 of section 22.52, requires that the proposed Project provide on-site parking for each of the following Project components: information building, Malibu Institute, cart storage building, warehouse, clubhouse, golf course (18 holes) with pro shop and grill/snack shop, maintenance building, and 40 bungalows for overnight visitor accommodations. In total, the Los Angeles County

PROJECT NO. TR071735-(3)
VESTING TANTATIVE TRACT MAP NO. 071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL ASSESSMENT NO. 201100192

STAFF ANALYSIS
PAGE 30 OF 44

Zoning ordinance requires that the proposed project provide a total of 377 on-site parking spaces to accommodate the afore-listed project components. Additionally, Part 11 requires parking be provided on the same lot or parcel on which the proposed use is located.

Proposed Use	Square Feet (GSF)	Spaces/Square Footage	Required Parking
Information Building	120 sq. ft.	1/250 sq. ft.	1
Malibu Institute	48,164 sq. ft.	1:3 occ, based on 193 occupant load	64
Cart Storage	9,162 sq. ft.	1:2 full-time employees	1
Warehouse	4,623 sq. ft.	1/1000 sq. ft	5
Clubhouse	30,147 sq. ft.	1:3 occ, based on 121 occupant load	40
Golf Course (18 holes) with Pro Shop and Grill/Snack Shop	12,104 sq. ft.	10/each hole	180
Maintenance Building	10,500 sq. ft. (12 employees)	1:2 full-time employees	6
40 Guest Bungalows	160 rooms 109,140 sq. ft.	1 per 2 guestrooms	80
Total Spaces			377

The proposed Project would provide 387 parking spaces in two on-site, surface parking lots. The existing surface parking lot at the southern end of the Project site would be retained while the existing surface parking lot on the western side of the Project site would be expanded. The provision of 387 on-site parking spaces exceeds what is required by the Los Angeles County Zoning Ordinance. However, the Project is proposing to locate all code-required parking on one lot of the project site. As such, the applicant is requesting a parking permit in accordance with Part 7 of Chapter 22.56 of Los Angeles County Zoning ordinance to allow for the sharing of code-required parking across two lots.

Section 22.56, Part 7 of the County Code establishes Parking Permit requirements. Section 22.56.990.A, of the County Code, states *“The parking permit procedure is established to provide an alternative to the parking requirements of Chapter 22.52 in the event that a particular use does not have the need for such requirements.”* The parking requirements of the Malibu Institute Project are unique due to several Project features. In order to cluster all proposed buildings in the southern portion of the Project site within the footprint of the existing disturbed in order to preserve and dedicate as permanent

open space over 450 acres of the Project site while providing all code-required parking, modified standards for the siting of parking are necessary.

In consideration of the above facts, the Parking Permit shall allow for the shared use of all code-required parking across two lots and the conditions of approval will ensure that the spaces are available to meet parking requirements.

Burden of Proof

Conditional Use Permit Burden of Proof

The applicant is required to meet the Conditional Use Permit Burden of Proof. According to Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

A. *"That the requested use at the location proposed will not:"*

1. *"Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area;"*
2. *"Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or"*
3. *"Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare."*

The Project would be a natural extension of the existing outdoor golf course uses that have occurred on the property since the 1970s, and would allow the golf course to continue to be open to the public. The 18-hole golf course and its appurtenant facilities, including the clubhouse and the restaurant, are currently permitted by Conditional Use Permit No. 98-059-(3). The Project would create an educational retreat, with educational and meeting facilities associated with USC, overnight accommodations in 40 bungalows, a new clubhouse with a spa and pool, and a re-configured 18-hole public golf course at the property.

The Malibu Institute and appurtenant amenities would be clustered on 20 acres in the southern portion of the 650-acre property in a 145-acre area subject to significant previous disturbance for development and operation of the existing 18-hole golf course. The remodeled 18-hole golf course would cover 107 acres of the existing 118-acre golf course. By clustering development on the southern portion of the property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area

(ESHA), as permanently dedicated open space.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total property) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the property, areas which are highly disturbed from their natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the property.

The entire 650-acre property contains 29 legal parcels. Rather than proposing residential estate development on each of these parcels, which would require removal of ESHA for not only the development of the separate, individual residential estates, but also larger fuel modification buffers and overall infrastructure development, the Project would develop a retreat, with buildings clustered on just 20 previously disturbed acres or three percent of the property. The Project's clustered development on the southern portion of the property would leave over 450 acres of permanently dedicated open space, an outcome not achievable with a residential estate development based on the existing property configuration and regulatory requirements.

The Malibu Institute and appurtenant amenities would be separated from other developments on the north, south, east and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the development area is within the low-lying areas of the property, the proposed buildings would not affect views from nearby residences.

The Project would be located so as to not significantly impact views and significant natural terrain features associated with Encinal Canyon Road and Mulholland Highway. The Project would be designed in a manner to be compatible with the natural environment and blend with the existing natural contours and topography of the surrounding area. The buildings would be designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function, and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. The Institute building would use the building footprint, foundation and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a “smart” irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. Design features also would include green roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, the use of highly efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. Water conservation and design features would include low flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems. The Project would incorporate a recycling program as part of its operations as well as additional sustainability features from the County’s Green Building Ordinance, Low Impact Development Ordinance, and Drought Tolerant Landscaping Ordinance. In particular, the majority of the proposed buildings would be constructed with the goal to achieve LEED™ Platinum Certification (or equivalent). Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots and covered with photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. The Project would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with Dark Skies initiatives and the County’s Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community or the County. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to

replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

The Project would balance all grading on-site, thereby minimizing adverse impacts to the surrounding area traffic and circulation system. The Project would incorporate mitigation measures to ensure that all potential air quality and noise impacts caused by the Project, both short-term and long-term, would be minimized.

The Project site has used a helipad for many years without complaint from neighboring property owners or public authorities. The proposed new helipad location is preferred by the Los Angeles County Fire Department and would improve firefighting efforts for the Project and the surrounding area.

The proposed grading and engineering for the Project would ensure public safety in the Project's construction and operation. The proposed structures would not be located in areas characterized by unstable geologic conditions. The Project site is not located within any Alquist-Priolo Special Studies Zone. According to the General Plan, the property is within a landslide area; however, implementation of the recommendations contained in the Project's geotechnical report and compliance with the Los Angeles County Building Code would reduce slope stability impacts to a less than significant level. The Project would employ contour grading techniques to smoothly transition manufactured slopes back into the natural contours of adjacent undisturbed areas. The Project would incorporate mitigation measures to minimize all potential air quality and noise impacts caused by the Project, both short-term and long-term.

The Project would implement water quality and flood control measures, including on-site storm drains and bio-swales, to contain and convey storm runoff from the developed areas of the Project. During construction, the Project would implement Best Management Practices (BMPs), including erosion control and sediment control devices, to reduce runoff and erosion. Further, the Project would transform mostly disturbed portions of the property with enhanced native, drought-tolerant landscaping that would blend with the surrounding environment. The property is not located within the 100-year flood plain established by the Federal Emergency Management Agency or the County's 50-year capital flood zone.

The Project would maximize fire safety. It would implement a fuel modification plan to minimize the risks of wildfires. The plan would establish buffer zones around the proposed structures and would dictate the types of vegetation allowed within the buffer zones. The plan also would include additional requirements

regarding the removal of brush and dead plant materials, removal of non-native plant species, and periodic maintenance of the buffer zones. All structures within the Project would be located along paved, all-weather and accessible roads. Finally, the existing helipad would be relocated to an area preferred by the Los Angeles County Fire Department to improve firefighting capabilities for the Project and the surrounding properties.

Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation. All required parking would be provided on-site at pervious surface parking lots near the entrance to the property.

- B. "That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area."*

The Project would comply with County development standards. It would comply with the requirements of the Zoning Ordinance related to yards, walls, fences, parking and loading facilities, landscaping, and other development features. All fences would conform to County requirements and the Project's landscaping would comply with the requirements of the County's Drought Tolerant Landscaping Ordinance.

The Malibu Institute and appurtenant amenities would be clustered on 20 acres in the southern portion of the 650-acre property in a 145-acre area subject to significant previous disturbance for development and operation of the existing 18-hole golf course. The remodeled 18-hole golf course would cover 107 acres of the existing 118-acre golf course. By clustering development on the southern portion of the property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area (ESHA), as permanently dedicated open space.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total property) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the property, areas which are highly disturbed from their natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the property.

C. *"That the proposed site is adequately served:"*

1. *By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and"*

The Malibu Institute would be located at 901 Encinal Canyon Road. Encinal Canyon Road is an improved east-west secondary highway which runs through the community of Malibu. Access to the property is available from Encinal Canyon Road via Mulholland Highway off the 101 Freeway or via Encinal Canyon Road, Decker Canyon Road, or Kanan Dume Road off of Pacific Coast Highway.

Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation. All required parking would be provided on-site at previous surface parking lots near the entrance to the property.

All structures would be located along paved, all-weather, and accessible roads. The Project would provide fire lane access of at least twenty feet throughout the development area.

The low-intensity design plan would preserve the surrounding environment and minimize traffic impacts by providing overnight accommodations to guests of the Malibu Institute and golf course events within the Project site.

2. *"By other public or private service facilities as are required."*

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community or the County. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. These features will substantially reduce the Project's reliance on public utilities such as water and electricity.

Additional Findings Required for Alcoholic Beverage Sales for On-Site Consumption

- A. *"That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius."*

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute. Further, no schools, places of religious worship, or playgrounds are located within 600 feet of the property. The Malibu Institute and appurtenant amenities are separated from other developments and uses on the north, south, east and west by rugged terrain and steep hillsides thereby limiting any off-site effect of consumption of alcoholic beverages on-site.

- B. *That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.*

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. The Malibu Institute and appurtenant amenities are separated from other developments on the north, south, east, and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the use of the property is within the low-lying areas of the property, no view of alcoholic beverage consumption at the site from nearby residential areas would exist. The landscaping for the project would provide a buffer between the property and Encinal Canyon Road.

- C. *The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off*
radius of any other facility selling alcoholic beverages for either on
consumption, in which case the shelf space devoted to alcoholic beverages shall be
limited to not more than five percent of the total shelf space in the establishment.

-site consum
-site or off-

The requested use at the proposed location will not result in an undue concentration of similar premises as there are no other premises within 2,500 feet of the property that serve alcoholic beverages to the public. The closest similar premises are located more than a mile away from the subject location.

- D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.*

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute.

No similar uses surrounding the property serve alcoholic beverages to the public, limiting any possible adverse economic effect to the surrounding community.

- E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.*

The Malibu Institute and appurtenant amenities are separated from other developments on the north, south, east, and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the development area is within the low-lying areas of the property, the proposed buildings would not affect views from nearby residential areas. The landscaping for the Project would provide a buffer between the property and Encinal Canyon Road.

The Project would be designed to provide state-of-the-art conference and educational facilities with high-quality accommodations constructed in a manner that would blend with the surrounding environment and minimize any adverse impact to the natural environment. The buildings would be designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees.

Staff concludes and is of the opinion that the burden of proof for a conditional use permit has been met by the applicant, subject to compliance with the attached conditions. The applicant's responses are also attached.

Parking Permit Burden of Proof

The applicant is required to meet the Parking Permit Burden of Proof. According to Section 22.56.1020 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

- A. *"That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because:*
1. *"The age and/or physical condition of the residents is such that the use of automobile is unlikely, or"*
 2. *"The nature of the use is such that there is a reduced occupancy, or"*
 3. *"The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration, or"*
 4. *"Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or alternative may be waived for certain senior citizen and handicapped person housing developments where the director finds that it is unnecessary because of the anticipated permanent nature of such use. If required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed; or"*
 5. *"The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces otherwise required under Section 22.52.1225."*

- B. *"That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because:*
1. *"Uses sharing parking facilities operate at different times of the day or days of the week, or"*
 2. *"Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan, or"*
 3. *"Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces;"*
- C. *"That off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential parking spaces will provide the required parking for uses because:"*
1. *"Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use, or"*
 2. *"Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces, or"*
 3. *"Such transitional lots are designed to minimize adverse effects on surrounding properties, or"*
 4. *"Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood;"*
- D. *"That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;"*
- E. *"That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22."*

The Project would provide parking as required by County Code; however, the demand for parking would be less than Code requirements due to the nature of the proposed uses at the Malibu Institute. The strict interpretation of the County

Code would require a certain number of parking spaces for each use on a lot at the property, even though the same people would be engaging in the those uses on the property. For example, the people using the Malibu Institute conference center would be the same people residing in the guest bungalows. All parking would be located on-site pervious surface parking lots containing a total of 387 parking spaces within the property, in excess of the 377 required by the County Code will be adequate to serve the uses at the property. Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. Parking areas would use photovoltaic panels over shade structures to generate most of the energy needs for the Project. Accordingly, the proposed parking would have no effect on circulation or parking in the surrounding area.

Shared parking would be used to provide parking for all uses proposed at the property. When there are major events at the Malibu Institute, the Project proposes the use of valet services, if necessary, to handle overflow parking for these events. The valet parking attendants would supervise any shared parking when in use to ensure easy ingress and egress of employees, independent contractors and visitors from those spaces. No tandem or compact parking spaces would be required for the Project.

All required operational and standard event parking shall be provided on-site. Major events exceeding 5,000 attendees may include off-site park and ride agreements as part of a Major Event TDM and Parking Management Plan. In addition, both development lots (Lots 5 and 6) are anticipated to be owned by the applicant and a CC&R are required to be recorded to ensure reciprocal access in the future.

The site would be sufficiently large for the Project. The Project's structures would be located on 20 acres of the larger 650-acre property, which is more than adequate to accommodate the Project and any yards, walls, fences, parking and loading facilities, landscaping and other development features. The clustering of developed structures on 20 acres and the remodeled golf course on 107 acres in the southern and central portions of the property would allow the dedication of over 450 acres of the Project site as permanent open space.

Staff concludes and is of the opinion that the burden of proof for a parking permit has been met by the applicant, subject to compliance with the attached conditions. The applicant's responses are also attached.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County Department comments and conditions were received from the Departments of Parks and Recreation, Public Works, Fire, and Public Health (attachment).

The Department of Parks and Recreation, in its letter dated February 10, 2014, recommends approval of the Project and requires no conditions.

The Department of Public Works, in its letter dated February 10, 2014, recommends approval of the Project and requires conditions regarding Project design, easements, activities required prior to final map recordation, hydrology, geological hazards and grading, drainage, right-of-ways, wastewater, and water.

The Fire Department, in its letter dated February 27, 2014, recommends approval of the Project and requires conditions of approval related to access, final map markup, fuel modification, identification signage, the on-site water system, hydrants, the on-site helipad, the proposed solar shade structures, proposed vegetated roofs, and phasing.

The Department of Public Health, in its letter dated February 20, 2014, recommends approval of the Project and requires conditions regarding the on-site wastewater treatment system and verification of adequate water supplies to serve the proposed Project.

PUBLIC COMMENTS

Hearing Examiner Public Hearing

A Hearing Examiner Public Hearing was held at the Malibu Golf Club on January 16, 2014 to take public testimony on the DEIR. Including staff, approximately 25 people attended the hearing but not all attendees testified. Testimony, as recorded in the attached transcript was received from the applicant and two (2) members of the public. Both individuals expressed their support for the Project noting that the Project is environmentally excellent, has taken into account community outreach, and supports the improvements to Trancas Creek and the greater watershed that come with this Project.

Other Public Comments

By the close of the public comment period on the DEIR, 46 written comments regarding the Project had been submitted. Comments were received from local governments and agencies as well as individuals.

Written testimony in favor of the Project emphasized the benefits to both the community and the environment, including the provision of overnight accommodations and the remodeling and maintenance of a public-use golf course in the National Recreation

Area and the improvements to the environment like eradication of on-site invasive species, a significant reduction in on-site water consumption, and the dedication of over 450 acres of undeveloped land as permanent open space. Other environmental benefits cited include constructing LEED Platinum (or equivalent) buildings and the overall sustainability of the Project.

Only one written letter expressed concern with the Project. Concerns were related to the overall built footprint of the Project and what was being done with the portions of Trancas Creek that had been previously altered and culverted through the Project site.

Regional Planning Commission Written Public Comments

In addition to comments received during the public comment period on the DEIR and at the Hearing Examiner public hearing, three additional comment letters were submitted to staff. This includes a letter from the Los Angeles County Local Agency Formation Commission ("LA LAFCO"), a letter from a member of the public, and a letter from the applicant's representative (attached). CUP condition number 22 addresses the comment submitted by LA LAFCO.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION

Staff recommends certification of the Final EIR, adoption of the MMRP, and approval of Project No. TR071735-(3), Vesting Tentative Tract Map No. 071735, Conditional Use Permit No. 201100122, and Parking Permit No. 20100005, subject to the attached conditions. Staff is of the opinion that the EIR mitigation measures adequately mitigate potential Project impacts on air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, Fire Department services, recreation, cumulative traffic impacts, water flow rates, wastewater, and solid waste. Staff recommends the Planning Commission certify the Final EIR and adopt the attached Mitigation Monitoring and Reporting Program. Staff is also of the opinion that both the Conditional Use Permit and the Parking Permit conditions adequately address land use planning concerns. The above recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

SUGGESTED APPROVAL MOTIONS

"I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT ALONG WITH THE REQUIRED FINDINGS OF FACT AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT."

PROJECT NO. TR071735-(3)
VESTING TANTATIVE TRACT MAP NO. 071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL ASSESSMENT NO. 201100192

STAFF ANALYSIS
PAGE 44 OF 44

"I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE VESETING TENTATIVE TRACT MAP NO. TR071735, CONDITIONAL USE PERMIT NO. 201100122, AND PARKING PERMIT NO. 201100005 WITH THE ATTACHED FINDINGS AND CONDITIONS."

Prepared by: Mr. Kevin A. Finkel, AICP, Regional Planner
Reviewed by: Samuel Z. Dea, Supervising Regional Planner

Attachments:

EIR including Final EIR, DEIR, CEQA Findings of Fact, and MMRP on disc
Mitigation Monitoring and Reporting Program hard copy
Tentative Map Findings
Tentative Map Conditions
CUP and Parking Permit Findings
CUP and Parking Permit Conditions
Applicant's CUP Burden of Proof
Applicant's Parking Permit Burden of Proof
Hearing Examiner Public Hearing Transcript
Tentative Maps
Exhibit Maps
CUP No. 98-059
ERB Materials
Correspondence

SZD:KAF:kaf
4/7/14

**DRAFT FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. TR071735-(3)
VESTING TENTATIVE TRACT MAP NO. 071735-(3)**

1. **ENTITLEMENT REQUESTED.** Vesting Tentative Tract Map No. 071735 is a proposal to create seven (7) lots by consolidating 29 existing lots, including two (2) development lots accommodating a remodeled golf course and 224,760 square feet of structures associated with the Malibu Institute educational retreat facility and five (5) open space lots with a caretaker's residence on approximately 650 acres.
2. **HEARING DATE.** The Regional Planning Commission ("Commission") of the County of Los Angeles has conducted a duly noticed public hearing in the matter of Vesting Tentative Tract Map No. 071735 on April 30, 2014. Vesting Tentative Tract Map No. 071735 was heard concurrently with Conditional Use Permit No. 201100122, Parking Permit No. 201100005, and Environmental Assessment No. 201100192.
3. **BEFORE THE REGIONAL PLANNING COMMISSION.** *To be inserted after public hearing(s) to reflect hearing proceedings.*
4. **PROJECT DESCRIPTION.** The applicant proposes a Vesting Tentative Tract Map to create seven (7) lots by consolidating 29 existing lots, including two (2) development lots accommodating a remodeled golf course and 224,760 square feet of structures associated with the Malibu Institute educational retreat facility and five (5) open space lots with a caretaker's residence on approximately 650 acres. Project would create a sports-oriented educational retreat facility affiliated with the University of Southern California (USC) to complement a remodeled 18-hole golf course on a 650-acre property currently operated at the Malibu Golf Club in the unincorporated Santa Monica Mountains in Los Angeles County. In addition to the remodeled golf course, the Project would also develop a 48,164-square-foot Malibu Institute building consisting of educational and meeting facilities. The Project would also develop visitor-serving overnight accommodations to facilitate multi-day programs that may be held on-site. The overnight accommodations would consist of 40 bungalow units in 37 individual structures with four bedrooms per unit, for a total of 160 bedrooms. The structures would be two-stories (four would be single-story) with floor areas ranging from 2,610 square feet to 2,885 square feet for the single bungalow units, and 5,310 square feet for structures with two bungalow units. Other facilities that would be provided by the Project include a 30,147-square-foot clubhouse with dining and lounge facilities as well as a fitness and wellness center, and an outdoor swimming pool with a poolside shower and changing room. The Project would also construct a 12,104-square-foot building containing a golf pro-shop that would provide retail space for golf-related merchandise, eight indoor computerized driving range bays, and grill/snack shop. The Project also would develop support facilities necessary for the upkeep of the Project,

including an 875-square-foot caretaker's residence, a 10,500-square-foot maintenance building, a 9,162-square-foot golf cart storage barn, a 4,623-square-foot warehouse, and a 120-square-foot security/information building.

5. **LOCATION.** The subject property is located at 901 Encinal Canyon Road, Malibu CA 90265. The Project site is located within the Coastal Zone portion of the unincorporated Santa Monica Mountains north of the City of Malibu and south of the Cities of Agoura Hills, Calabasas, Thousand Oaks, and Westlake Village and is bound by Encinal Canyon Road on the south and the intersection of Mulholland Highway and Westlake Boulevard on the north.

6. TENTATIVE AND EXHIBIT MAP DESCRIPTION.

Tentative Map

Tentative map dated 1-15-14 depicts an approximately 650-acre Project site with seven (7) lots. One (1) lot (Lot 6) would be developed with a remodeled golf course; one (1) (Lot 5) lot would be developed with the Malibu Institute Project; Lots 1, 2, 4, and 7 would be dedicated as open space and Lot 3 would be dedicated as open space and would retain an existing caretaker's unit. The map also depicts a number of existing structures to be removed from throughout the Project site, including an existing abandoned residence in the northern portion of the project site, and a number of structures associated with the existing golf course (restrooms, maintenance, and clubhouse facilities). Access to Lots 1, 2, 3, and 4 is from Mulholland Highway; access to Lots 5 and 7 is from Encinal Canyon Road; there is no direct access to Lot 6 and the applicant is proposing to grant reciprocal access between Lots 5 and 6 and requesting the Regional Planning Commission waive the frontage requirements for Lot 6. Outside of the existing disturbed area, the topography of the site is shown to be varied, depicting both valleys and ridgelines.

Exhibit Map

Exhibit map dated 1-15-14 depicts an approximately 650-acre Project site with seven (7) lots. The exhibit depicts 224,760 square feet of development including the footprints of the proposed 12,104-square foot golf pro shop and grille, 10,500-square foot maintenance building, 30,147-square foot clubhouse building, relocated helipad, recreation area with a pool and an 800-square foot changing room, an existing water tank, 9,162-square foot cart storage building, 4,623-square foot warehouse, 48,164-square foot Malibu Institute building, on-site wastewater treatment system, 120-square foot information building, and one expanded surface parking lot on the western side of the development area and one resurfaced and screened surface parking lot on the southern side of the development area containing a total of 387 parking spaces, including eight handicap spaces. The map also depicts 37 bungalow structures (comprised of 34 single bungalow structures and three double bungalow structures for a total of 40

bungalows). The bungalow structures range in size from 2,610 square feet to 5,310 square feet. The map also depicts a landscape plan detailing 40 acres of landscaping including fuel modified native hillside paving, enhanced drought-tolerant planting, turf (non-golf) areas, and golf, native hillside, and native revegetation areas. The map also depicts a plan for the removal of 1,590 non-native on-site trees.

7. **EXISTING ZONING.** The subject property is zoned A-1-1 (Light Agriculture, 1-acre minimum lot size), RPD-5-0.2U-DP (Residential Planned Development, 5-acre minimum lot size, 0.2 dwelling units per acre), R-R-1 (Resort and Recreation, 1-acre minimum lot size), and A-1-20 (Light Agriculture, 20-acre minimum lot size). Surrounding zoning includes O-S (Open Space), A-1-1 (Light Agriculture, 1-acre minimum lot size), A-1-5 (Light Agriculture, 5-acre minimum lot size), RPD-1-1U-DP (Residential Planned Development, 1-acre minimum lot size, 1 dwelling unit per acre), A-1-10 (Light Agriculture, 10-acre minimum lot size), and A-1-20 (Light Agriculture, 20-acre minimum lot size).
8. **EXISTING LAND USES.** The subject property is developed with the Malibu Golf Club, including an 18-hole golf course, a clubhouse, a maintenance building, a storage building, an unpaved and graded helipad, and a water-storage tank. The subject property is also developed with a caretaker's residence and an abandoned residence in the northern portions of the Project site. Surrounding land uses include public and private vacant property, recreational trails, scattered single-family homes with some homes including equestrian facilities, Fire Camp 13, a facility operated by the Los Angeles County Fire Department in conjunction with the California Department of Corrections and Rehabilitation, located approximately one-half mile to the southwest of the Project site, and Camps Miller and Kilpatrick, two Los Angeles County Department of Probation juvenile detention facilities located approximately one mile to the east of the Project site.
9. **PREVIOUS CASES/ZONING HISTORY.** The Malibu Country Club was developed on the Project site as an appurtenant use to a residential development in 1977. The residential development was never constructed due to subsequent litigation that set aside Zoning Cases 5844 and 5867 and changed density and zoning in the area to A-1-1 and R-R-1. In 1982, the County issued CUP No. 1453 to authorize the use of a private golf course on the Project site. This CUP expired on November 11, 1999. In 1999, the County approved CUP No. 98-059 (attachment) to authorize the continued use of the Project site for the operation of an 18-hole golf course, clubhouse, and appurtenant facilities, including three caretaker's residences for a period of 20 years, expiring on November 14, 2019. The existing configuration of the 29 legal lots is the result of three Lot Line Adjustments approved by the County.

10. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The Project site is subject to the land use provisions within the 1986 Malibu Land Use Plan (LUP). This plan designates the portions of the Project site proposed for development as 3 (Rural Land I), 4 (Rural Land II), and 5 (Rural Land III). These land categories allow for: Residential Rural Land. Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include: large lot residential uses. Low-intensity commercial recreational uses, agriculture activities, the less intensively developed or open space portions of urban and rural developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional use. The Project would remodel the existing 118-acre golf course and add an educational facility with overnight accommodations in 40 bungalows and would be consistent with these categories.

The following are key policies of the 1986 Malibu Land Use Plan applicable to the proposed Project:

- *Policy P1: Provide recreational opportunities to meet the variety of recreation demands.* The Project would improve recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing golf course and expanding the services and facilities available to include conference space for educational programs, overnight accommodations, and an expanded clubhouse. While the golf course would remain available to the general public, the availability of restaurants, a snack bar, driving range, swimming pool, and other amenities would serve the needs of overnight guests on-site while also providing access to facilities, such as restrooms, restaurant, and a snack bar, for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway. With its proposed facilities, the Project would be consistent with this Policy.
- *Policy P74: New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.* The Project would remodel the existing golf course and associated facilities within the footprint of the existing golf course, which is accessed from Encinal Canyon Road, a paved public street, and is provided with potable water by existing Las Virgenes Municipal Water District (LVMWD) infrastructure. On-site wastewater treatment would be provided through installation of a new on-site water treatment facility that would produce recycled water suitable for

use in irrigation or subsurface infiltration. The existing septic systems, with the exception of the system for the existing caretaker's residence near Mulholland Highway, would be abandoned pursuant to a permit issued by the County Department of Public Health. By using an already disturbed area of the Project site and improving its water quality features, wastewater facilities, water conservation components, and replacing non-native ornamental landscape with drought tolerant native species, the Project would minimize its effects on sensitive environmental resources onsite and downstream to ensure consistency with this Policy.

- *Policy P271(a)(1): Residential Rural Land. Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include: large lot residential uses. Low-intensity commercial recreational uses, agriculture activities, the less intensively developed or open space portions of urban and rural developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional use, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The following maximum residential density shall apply:*

Rural Land I – one dwelling unit per ten acres average, consistent with other policies of the LCP.

Rural Land II – one dwelling unit per five acres average, consistent with other policies of the LCP.

Rural Land III – one dwelling unit per two acres average, consistent with other policies of the LCP.

The Malibu Institute project is consistent with the 1986 Malibu Land Use Plan (LUP). The Project would remodel the existing 118-acre golf course utilizing design features that will provide an environmentally superior golf course and add an educational facility with overnight accommodations in 40 bungalows to increase visitor access to the Coastal Zone on approximately 20 acres of the 650-acre property. The Project development would occur entirely within the area previously disturbed by the existing golf course. Over 450 acres of the property, consisting mostly of undeveloped hillsides, would be dedicated to a public agency as permanent open space. Improvements to the remodeled golf course would remove approximately 1,590 non-native trees, include sand-capping of the fairways and other measures to promote infiltration of stormwater

and improve water quality, install photovoltaic panels with the goal of generating the majority of the Project's energy needs, and construct a wastewater treatment system that would generate approximately 40,000 gallons per day to be used to partially irrigate the course. Overall the Project would reduce the use of water on the site by approximately 32% and would retain the last public golf course within the Santa Monica Mountains Coastal Zone. The Project also would restore habitats at the existing golf course ponds, which are hydrologically connected with Trancas Creek. The golf course ponds would be temporarily dewatered to eradicate invasive animals and vegetation and sediment would be removed to improve functional capacity and remove any toxins such as pesticides and herbicides that may have accumulated in bottom sediments. The ponds then would be refilled and replanted with native vegetation. As discussed in the Project's EIR, the Project would have a less than significant impact on the environment.

The Project would consist of less new development than would be allowed under the maximum residential density standards of this policy. According to the LUP Map within the 1986 Malibu LCP Land Use Element, the development area and golf course at the Project site are designated as Rural Lands II and III (RL-II, RL-III). The areas located around the development area, comprising the majority of the 650-acre Project site, are designated Mountain Lands (M2) and Rural Lands (RL-I, RL- II, RL-III). The Rural Land designations allow for the establishment of visitor-serving, resource-based commercial recreation uses characterized by large open space areas, limited building coverage, and minimal modification of the natural environment.

Two of the principal permitted uses of these land use categories are low-intensity commercial recreational uses and lower cost visitor recreational uses. The Project would create a low-intensity project by limiting development to areas of existing disturbance and incorporating LEED Platinum design principles, such as green roofs, moisture sensing irrigation system, solar panels, drought tolerant landscaping, waste recycling, and development of a transportation system utilizing shuttles and electric vehicles.

Furthermore, the zoning for most of the development area, Resort-Recreation (R-R), is consistent with the Malibu Land Use Plan designation. The R-R zone allows for golf courses with clubhouse facilities by right, and hotels, colleges/universities with appurtenant facilities, guest ranches, restaurants and grading projects with a conditional use permit. Accordingly, these uses are consistent within the

designated Rural Land portion of the property.

Permitting development of 224,760 square feet on 20 acres within the larger 650-acre Project site (approximately 0.3% of the total property) balances the need for visitor-serving recreational facilities in the Santa Monica Mountains with the protection of sensitive natural resources. It would allow clustered development in the existing disturbed areas in the southern portion of the Project site, adjacent to Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the Project site consistent with the Land Use Element policies to “enhance recreational opportunities” and “protect the integrity of existing rural communities.” The Project would protect the integrity of existing rural community by providing buildings simple in form, function and architectural character to complement the mountainous character of the surrounding property. Landscaping, including mature oaks trees and other native trees, would screen buildings from Encinal Canyon Road and Mulholland Highway.

The majority of the remaining areas of the property designated as M2 (Mountain Lands) and RL-I, II, and III, approximately 450 acres, could potentially be developed with single-family residences and recreational uses. Residential development on these parcels would disturb ESHA and SERA and require large fuel modification buffers. Clustering development on 20 previously disturbed acres, approximately three percent of the 650-acre property, in the southern portion of the property would allow the Project to provide over 450 acres of this undisturbed native habitat as permanently dedicated open space, consistent with the goal of the Malibu LUP to “preserve the unique natural resources and fragile environment of the Malibu/Santa Monica Mountains Coastal Zone for the enjoyment of millions of Los Angeles area residents and visitors.” The low-intensity educational retreat therefore would be consistent with the Rural Land I, Rural Land II and Rural Land III designations.

11. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

The Project complies with the development standards of the R-R-1 (Resort and Recreation) and A-1-1 (Light Agricultural) zones. The proposed Project is comprised of:

- the Malibu Institute (meeting rooms and lecture hall), which is permitted in the R-R-1 zone with a conditional use permit;
- the overnight bungalow accommodations, which are permitted in the R-R-1 zone with a conditional use permit;

- the remodeled golf course, which is a principal permitted use in the R-R-1 zone and requires a conditional use permit in the A-1-1 zone;
 - the administration/security building, which is permitted in the A-1-1 zone with a conditional use permit;
 - a golf pro shop/cart barn, which is permitted in the R-R-1 zone as appurtenant to the golf course and in the A-1-1 zone as appurtenant to the A-1-1 zone with a conditional use permit;
 - the maintenance and warehouse buildings; which are permitted in the R-R-1 zone as appurtenant to the golf course;
 - the caretaker's residence which is permitted in both the R-R-1 and A-1-1 zones with a conditional use permit;
 - the restaurant/bar/cocktail lounge is permitted in the R-R-1 zone with a conditional use permit and where the sale of alcohol is also permitted with a conditional use permit;
 - accessory live entertainment associated with the conference center and restaurant is permitted in the R-R-1 zone;
 - Project required grading, which is permitted in both the R-R-1 and A-1-1 zones with a conditional use permit;
 - the retention of the existing water tank, which is permitted in the R-R-1 zone with a conditional use permit; and
 - the relocated helipad, which is permitted with a conditional use permit.
12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The Project is set within a valley in the center of the Project site and would not be adjacent to any of the surrounding uses. Further, the Project would be designed to blend with the surrounding environment and topography, with structures developed with consistent design, vegetated roofs, and natural materials. The Project will provide sufficient parking and access within the Project site.
13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Los Angeles County Subdivision Committee (Subdivision Committee), which consists of the Departments of Regional Planning, Public Works, Fire, Parks and Recreation, and Public Health, reviewed this Project (maps dated 1-15-14). The conditions of all five departments of the Subdivision Committee are attached.
14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Because the Project is proposing to construct an on-site wastewater treatment system, the Los Angeles Regional Water Quality Control Board requires that the Project obtain an MS4 permit and comply with all conditions attached to said permit. Additionally, the Project is required to get a letter from the National Park Service indicating their willingness to accept the dedication of over 450 acres of open space.

15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
16. **PUBLIC COMMENTS.** By the close of the public comment period on the DEIR, 46 written comments regarding the Project had been submitted. Comments were received from local governments and agencies as well as individuals. Written testimony in favor of the Project emphasized the benefits to both the community and the environment, including the provision of overnight accommodations and the remodeling and maintenance of a public-use golf course in the National Recreation Area and the improvements to the environment like eradication of on-site invasive species, a significant reduction in on-site water consumption, and the dedication of approximately 450 acres of undeveloped land as permanent open space. Other environmental benefits cited include constructing LEED Platinum (or equivalent) buildings and the overall sustainability of the Project. Only one written letter expressed concern with the Project. Concerns were related to the overall built footprint of the Project and what was being done with the portions of Trancas Creek that had been previously altered and culverted through the Project site.
17. The existing structure, which is currently used as the caretaker's residence shown on Lot 3 of the tentative map, is intended to remain. This structure's continued existence at its present location is in conformance with the requirements of the County Zoning Ordinance.
18. This tract map has been submitted as a "Vesting" Tentative Map. As such, it is subject to the provisions of Section 21.38.010 through 21.38.080 of the Los Angeles County Code (Subdivision Ordinance).
19. Pursuant to Section 21.52.010 of the Los Angeles County Code (Subdivision Ordinance) the requirement of the street frontage for Lot 6 has been waived since the Project is for non-residential use and intended for recreational uses which is designed to served by a driveway system to be contained within the existing disturbed area of the project site and that it is impractical to provide frontage for this lot , and that this modification is within sprit and purposes of the Subdivision Map Act and the Los Angeles County Code (Subdivision Ordinance).
20. The Commission finds that the proposed subdivision and the provisions for its design and improvement are consistent with the goals and policies of the 1986 Malibu Land Use Plan. The project provides recreation, education, and visitor-serving overnight accommodations in the Santa Monica Mountains National

Recreation Area within the California Coastal Zone. The proposed Project clusters development within the footprint of the existing disturbed area and therefore minimizes development in natural resource areas.

21. The Commission finds that the site is physically suitable for the type of development being proposed, since the project site is already disturbed and can accommodate development in accordance with the County grading ordinance, has access to a County-maintained street, shall be served by an on-site wastewater treatment system, is being provided water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs, and requirements of the Los Angeles County Department of Public Works.
22. The Commission finds that the proposed subdivision is adequately served by the necessary public and private service facilities. Domestic water will be provided to the Project site by LVMWD. Sanitary sewer service will be provided by an on-site wastewater treatment plant. Gas utilities will be provided by Southern California Gas Company and electricity will be provided by Southern California Edison Company. Telephone service will be provided by AT&T.
23. The Commission finds that the discharge of wastewater from this land division into the on-site wastewater treatment system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (Commencing with Section 13000) of the Water Code.
24. The Commission finds that the design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, runoff, fire protection, and geologic and soils factors are addressed in the recommended conditions of approval.
25. The Commission finds that the design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantial and unavoidable injury to fish or wildlife or their habitat. The subject property is not located within a designated environmentally sensitive habitat area and would improve stream function and habitat through the Project site.
26. The Commission finds that the design of the subdivision provides to the extent feasible, for future passive or natural heating and cooling opportunities therein.
27. The Commission finds that the division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the

conditions of approval and shown on the tentative map, provide adequate protection for any such easements.

28. The Commission finds that the public recreation and visitor-serving overnight accommodations needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the Project was determined to be consistent with the 1986 Malibu Land Use Plan.
29. The Los Angeles County ("County") Department of Regional Planning recommends that an Environmental Impact Report is the appropriate environmental documentation under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Initial Study concluded that there are certain potentially significant environmental impacts associated with the Project that can be reduced to less than significant with the implementation of the proposed mitigation measures.

The Draft Environmental Impact Report found that all potentially significant Project impacts could be mitigated to a level of less than significance with the incorporation of proposed mitigation measures. Therefore, the Commission finds that a Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Commission reviewed and considered the Final EIR, along with its associated MMRP and Findings and found that it reflects the independent judgment of the Board. The findings and MMRP are incorporated herein by this reference, as set forth in full.

30. The Commission finds that after considering the Final EIR and MMRP together with any comments during the public review process, on the basis of the whole record before it, with the mitigation measures set forth and carried out through the MMRP, and other than the environmental impacts set forth in the Findings, there is no substantial evidence that the Project would have a significant effect on the environment.
31. The Commission finds that an MMRP was prepared consistent with the conclusions and recommendations of the Final EIR, and its requirements are incorporated into the conditions of approval for the Project and that the MMRP prepared in conjunction with the Final EIR identified in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment by the Project.

32. Commission finds that the approval of this Project is conditioned on the subdividers compliance with the attached conditions of approval, the MMRP, and the conditions of approval for the CUP and Parking Permit.
33. The Commission finds that this Project is subject to the provisions of section 711.4 of the California Fish and Game Code and regulations of the California Department of Fish and Wildlife.
34. RECORD OF PROCEEDINGS. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials is the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES:**

- A. That the proposed use will be consistent with the adopted 1986 Malibu Land Use Plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Vesting Tentative Tract Map.

REGIONAL PLANNING COMMISSION ACTION:

1. Certifies that the EIR for the Project was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the EIR and that the EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the Project; and finds that on the basis of the whole record that the significant adverse effects of the Project, as described in the EIR, have been reduced to an acceptable level as stated in the attached Findings for the Project;
2. Certifies that the MMRP for the Project is adequately designed to ensure compliance with the mitigation measures during the Project implementation;
3. Certifies that it adopted the EIR, the Findings of Fact and the MMRP at the conclusion of the public hearing; and
4. Approves the Vesting Tentative Tract Map No. TR071735, subject to the attached conditions.

SZD:KAF:kaf
4-14-14

C: Each Commissioner, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
VESTING TENTATIVE TRACT MAP NO. 071735
(TENTATIVE AND EXHIBIT MAP DATE: JANUARY 15, 2014)**

GENERAL CONDITIONS

1. This grant authorizes the reconfiguration of 29 existing lots to create seven (7) non-residential lots spanning a 650-acre project site. One lot would include a redesigned 18-hole golf course and helipad, one lot would contain an information building, the Malibu Institute building, a cart storage building, a warehouse, a new clubhouse, a new pro-shop and grille, a maintenance building, a pool, shower, and changing building, 40 bungalows (160 total bedrooms), and would retain an existing water-tank, and the remaining five lots would be left as open space with one open space lot retaining an existing caretaker's residence and another removing an abandoned hunting lodge. Except as modified herein, this approval is subject to the requirements of Title 21 ("Subdivision Ordinance") of the Los Angeles County Code ("County Code"). The approval also is subject to all those conditions set forth in Conditional Use Permit ("CUP") No. 201100122, Parking Permit No. 201100005, the Environmental Impact Report ("EIR") Mitigation Monitoring and Reporting Plan ("MMRP"), which is incorporated herein by reference, and the attached reports recommended by the Los Angeles County Subdivision Committee ("Subdivision Committee") and submitted by the Los Angeles County Department of Public Works ("Public Works"), Los Angeles County Fire Department ("Fire Department"), Los Angeles County Department of Parks and Recreation and Los Angeles County Department of Public Health, which are attached hereto and incorporated by this reference as if set forth fully herein.
2. As used herein, the term "subdivider" shall include the property owner and any successor in interest.
3. Unless otherwise apparent from the context, the "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the Zoning Code and Section 21.56.010 of the Subdivision Code.
4. The subdivider shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the subdivider of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the subdivider of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing make an initial deposit with the County Department of Regional Planning ("Regional Planning") in the amount of up to \$5,000.00, from which actual costs and expenses shall be

billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to subdivider or subdivider's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the subdivider, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the subdivider according to County Code Section 2.170.010.

6. Within three (3) days of the date of final approval of this grant, the subdivider shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the subdivider shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$3,104.75 (\$3,029.75 for an Environmental Impact Report plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
7. Prior to use of this grant, the subdivider shall submit evidence that the MMRP and the conditions of the associated CUP No. 201100122 and Parking Permit No. 201100005 have been recorded in the office of the County Registrar-Recorder/County Clerk and that all fees as required by Condition Nos. 5 and 7 have been paid.
8. The subdivider shall deposit the sum of \$6,000.00 with Regional Planning within 30 days of the date of final approval of this grant in order to defray the cost of reviewing the subdivider's reports and verifying the information contained in the reports required by the MMRP. The subdivider shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
9. The subdivider shall comply with all mitigation measures identified in the MMRP, which are incorporated by this reference as if set forth fully herein.
10. Within 30 days of the date of final approval of the grant by the County, the subdivider shall record a covenant and agreement, which attaches the MMRP and agrees to comply with the mitigation measures imposed by the EIR for this project, in the office of the Recorder. Prior to recordation of the covenant, the subdivider shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the subdivider shall submit an annual report regarding the Mitigation Monitoring and Reporting Program to Regional Planning for approval or as

required. The reports shall describe the status of the subdivider's compliance with the required mitigation measures.

11. Permission is granted to adjust lot lines on the final map to the satisfaction of Regional Planning and Public Works.
12. Permission is granted to create additional open space lots to the satisfaction of Regional Planning.
13. No grading permit shall be issued prior to the recordation of a final map unless the Director of Regional Planning determines that the proposed grading conforms to the conditions of this grant and the conditions of Vesting Tentative Tract Map No. 071735, CUP No. 201100122 and Parking Permit No. 201100005.

PRIOR TO RECORDATION OF THE FINAL MAP

14. The subdivider shall obtain a Coastal Development Permit from the permitting authority or provide evidence that the project is exempt from the permit requirement of the Coastal Zone Conservation Act.
15. The subdivider shall submit a draft copy of the project Conditions, Covenants and Restrictions ("CC&Rs") and any maintenance agreements and covenants to Regional Planning for review and approval prior to recordation of any final map.
16. The subdivider shall construct or bond with Public Works to the satisfaction of that department for driveway paving associated with private driveways and fire lanes (Clubhouse Drive and Trancas Lake Driveway) located on Lot 5.
17. The subdivider shall post all driveways less than 26' in width with signs stating "No Parking-Fire Lane" and provide for continuous posting and enforcement of this restriction in the project's CC&Rs or in a maintenance agreement. Subdivider shall submit a copy of the CC&Rs or maintenance agreement to be recorded to Regional Planning for approval prior to recordation.
18. The subdivider shall reserve easements for ingress/egress purposes over Lots 5 and 6 to all lots of the subdivision to the satisfaction of Regional Planning. The subdivider shall submit the document to be recorded for approval.
19. The private driveways on Lot 5 shall be indicated on the final map as "Private Driveway and Fire Lane" with the widths clearly depicted. Subdivider shall include conditions in the project CC&Rs or maintenance agreement stating that driveways shall be maintained in accordance with the Fire Code.
20. The subdivider shall dedicate to the County of Los Angeles on the final map the right to prohibit construction on the following open space lots, as designated on Vesting Tentative Tract Map No. 071735: 1, 2, 3, 4, and 7.
21. The subdivider shall dedicate to the County of Los Angeles on the final map the right to prohibit residential construction on all lots.
22. Should the subdivider create additional open space lots, the subdivider shall dedicate to the County of Los Angeles on the final map the right to prohibit residential construction on said lot. Should the existing caretaker's residence be retained within a new open space lot, the subdivider shall dedicate to the County

- of Los Angeles on the final map the right to prohibit residential construction. The subdivider shall retain the right to perform any necessary maintenance for the upkeep of the structure without expansion.
23. The subdivider shall provide for the ownership and maintenance of Lots 1, 2, 4 and 7 by offer to a conservation group or other acceptable agency/entity to the satisfaction of the Department of Regional Planning, or offer dedication to the County.
 24. The subdivider shall number all open space lots on the final map and ensure access to each open space lot over Lots 5 and 6 to the satisfaction of Regional Planning.
 25. The subdivider shall include conditions in the project CC&Rs or maintenance agreement, which require continued maintenance of the planting for lots having planted slopes.
 26. The subdivider shall place a note on the final map indicating that lots 1, 2, 4, and 7 are for open space purpose.
 27. The subdivider shall clear all necessary structures and storage materials from lots 1, 2, 4, and 7.
 28. Show Encinal Canyon Road and Mulholland Highway as dedicated streets on the final map.
 29. Dedicate right to restrict vehicular access on the final map for lots abutting Mulholland Highway and Westlake Boulevard.
 30. The subdivider and/or subdivider shall provide a copy of a maintenance agreement or contract to be executed with a service company or entity approved by the Department of Public Works, Division of Building and Safety and the Department of Health Services for the continued maintenance of the waste water treatment facility. Said agreement or contract shall contain the following provisions: 1) that it can be revocable on the part of the subdivider or subdivider only with the consent of the County, and 2) that adequate financial securities shall be in place to ensure the long term maintenance and repair of the waste water treatment facility to the satisfaction of the Director of Planning and Department of Public Works.
 31. Permission is granted to allow future design flexibility within lot 5 noted on the Vesting Tentative Tract Map and Exhibit Map pursuant to Section 21.16.015, including changing the building location, changing the driveway location, alignments, driveway widths and drive entries, changing the private drive alignments and locations, and changing the commercial building type and location. The total bungalow count and golf facilities and institute square footage shown on VTTM No. 071735 and the accompanying site plan exhibit maps shall not be exceeded. Specifically, project buildout shall not exceed 40 bungalows (160 total bedrooms) and 224,287 total golf facility and institute square feet. In addition, the open space acreage shown on VTTM No. 071735 shall not be reduced.

Attachments:

Mitigation Monitoring and Reporting Program

Subdivision Committee Reports

4/4/14

Date 04-10-2014

TO: Nooshine Paidar
Department of Regional Planning

Attention Kevin Finkel and Samuel Dea

FROM: John Chin
Department of Public Works

TRACT NO. 071735-rev3 (updated 04-10-14).

☐ Public Works' report for NO SCM map dated _____.

☒ Revised Public Works' report for map dated 01-15-2014.

☒ Revised pages of Public Works' report for map dated 01-15-2014 as follows.

Sewer: Revised Condition No. 6

☐ Revised Public Works' report clearing previous _____ denial(s).

☐ Public Works still has _____ denial(s).

☒ Public Works' clearance for Public Hearing.

☐ Please forward the attached Engineer's and City's copy.

☐ A waiver for the final map ;may be filed.

☐ Other:

cc: Kathleen O'Prey Truman; Truman & Elliott LLP

Tom Hix; The Malibu Institute

The following reports consisting of 11 pages are the recommendations of Public Works.


The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.
2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.
3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
4. In lieu of establishing the final specific locations of structures on each lot at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.
5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.
7. If applicable, quitclaim or relocate easements running through proposed structures.
8. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.
9. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, right to grade, and maintenance purposes, etc., in documents over the common private driveways to the satisfaction of Public Works.
10. Remove existing buildings prior to final map approval. Demolition permits are required from the Building and Safety office.
11. If unit filing occurs, reserve reciprocal easements for drainage, ingress/egress, utilities, and maintenance purposes, etc., in documents over the private driveways and delineate on the final map to the satisfaction of Public Works.
12. The boundaries of the unit final maps shall be designed to the satisfaction of the Departments of Regional Planning and Public Works.
13. The first unit of this subdivision shall be filed as Tract No. 71735-01, the second unit, Tract No. 71735-02, and the last unit, Tract No. 71735.
14. The street frontage requirement for Lots #1, #2, #3, #4 and #5 needs to be waived by the Advisory Agency.
15. Show open space lots on the final map and dedicate residential construction rights over the open space lots.
16. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.

TENTATIVE MAP DATE 01-15-2014
EXHIBIT "A" MAP DATE 01-15-2014

17. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.
18. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.
19. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of \$2,000 (Minor Land Divisions) or \$5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation.

Prepared by  John Chin

Tr71735L-rev3.doc
<http://planning.lacounty.gov/case/view/tr071735-3/>

Phone (626) 458-4918

Date 02-10-20143



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 071735

TENTATIVE MAP DATE: 01/15/14

EXHIBIT MAP DATE: 01/15/14

HYDROLOGY UNIT CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept / Hydrology / Water Quality Plan, which was conceptually approved on 10/22/13 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. A maintenance permit may be required from the State Department of Fish and Game, the Corps of Engineers, and the State Water Resources Control Board to the satisfaction of the Department of Public Works.

Prior to recordation of a Final Map or Parcel map Waiver:

1. Show and label all natural drainage courses and flood hazard areas.
2. Dedicate to the County the right to restrict the erection of buildings in the flood hazard area.
3. Prior to final map approval a covenant or agreement shall be recorded in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject development is aware and agrees to the requirements of County Code Section 12.84.460 Subsection B.

Name

Ernesto J Rivera

Ernesto J Rivera

Date 02/10/14 Phone (626) 458-4921

**County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-7951**

DISTRIBUTION
1 Geologist
1 Soils Engineer
1 GMED File
1 Subdivision

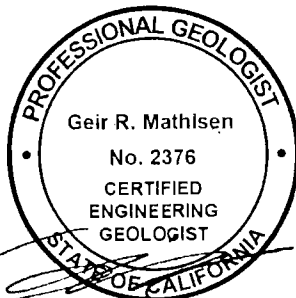
TENTATIVE TRACT MAP 71735
SUBDIVIDER Malibu Associates LLC
ENGINEER RCE Consultants
GEOLOGIST & SOILS ENGINEER Sladden Engineering

TENTATIVE MAP DATED 1/15/14 (Revision and Exhibit)
LOCATION Malibu
GRADING BY SUBDIVIDER [Y] (120,000 y³)
REPORT DATE 7/22/13, 5/30/13, 2/25/13, 7/16/12

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (<http://www.dpw.lacounty.gov/gmed/manual.pdf>).
2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.
3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at <http://www.dpw.lacounty.gov/gmed/manual.pdf>).
4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).
5. The Soils Engineering review dated 2/4/14 is attached.



Reviewed by

Geir Mathisen

Date 2/3/14

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/gmedsurvey>

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office --
PCA LX001129
Sheet 1 of 1

Review No. 6

Tentative Tract Map 71735
Location Malibu
Developer/Owner Malibu Associates LLC
Engineer/Architect RCE Consultants
Soils Engineer Sladden Engineering
Geologist Sladden Engineering

DISTRIBUTION:

 Drainage
 Grading
 Geo/Soils Central File
 District Engineer
 Geologist
 Soils Engineer
 Engineer/Architect

Review of:

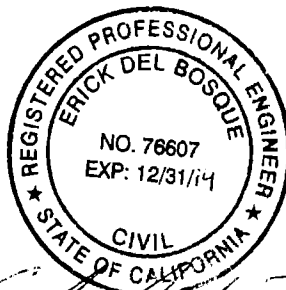
Tentative Tract Map Dated by Regional Planning 1/15/14 (Revision and Exhibit)
Geotechnical Engineering Report Dated 7/22/13, 5/30/13, 2/25/13, 7/16/12
Previous Review Sheet Dated 12/30/13

ACTION:

Tentative Map feasibility is recommended for approval, subject to condition below.

REMARKS:

At the grading plan stage, submit two sets of grading plans to the Soils Section for verification of compliance with County codes and policies.



Prepared by Erick del Bosque Date 2/4/14

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/gmedsurvey>.

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. If applicable, notarized covenants shall be prepared and recorded by the applicant for any offsite impacts, as determined by Public Works. By acceptance of this condition, the applicant acknowledges and agrees that this condition does not require the construction or installation of an off-site improvement, and that the offsite covenants referenced above do not constitute an offsite easement, license, title or interest in favor of the County. Therefore, the applicant acknowledges and agrees that the provisions of Government Code Section 66462.5 do not apply to this condition and that the County shall have no duty or obligation to acquire by negotiation or by eminent domain any land or any interest in any land in connection with this condition.
2. Provide approval of:
 - a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP)/Low Impact Development (LID) plan (If applicable) by the Storm Drain and Hydrology Section of Land Development Division.
 - b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).
 - c. Permits and/or letters of non-jurisdiction from all State and Federal Agencies, as applicable. These agencies may include, but may not be limited to the State of California Regional Water Quality Control Board, State of California Department of Fish and Game, State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), and the Army Corps of Engineers.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

3. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP and LID devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - GRADING
TRACT MAP NO. 071735 Rev 3

Page 2/2

TENTATIVE MAP REC'D 01-15-2014
EXHIBIT MAP REC'D 01-15-2014

4. A maintenance agreement or CC&Rs may be required for all privately maintained drainage devices, slopes, and other facilities.
5. A covenant and/or deed restriction to the satisfaction of Public Works is required for the cross-lot grading and drainage between parcels.



Name Tony Hui Date 02/06/2014 Phone (626) 458-4921

P:\dpub\SUBPCHECK\Grading\Tentative Map Reviews\Templates\TR 71735 Rev 3

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate right of way 40 feet from centerline along the property frontage on Encinal Canyon Road. 10 feet of additional right of way is required along the property frontage.
2. Make an offer of right of way 40 feet from centerline along the property frontage on Westlake Boulevard. 20 feet of additional private and future right of way is required along the property frontage. The existing dedicated portion shall remain as a dedicated street.
3. Make an offer of right of way 50 feet from centerline along the property frontage on Mulholland Highway per Section 22.48.200 of the Subdivision Code. 30 feet of additional private and future right of way offer is required along APN 4471-001-028 and 029 and 50 feet of additional private and future right of way offer is required along APN 4471-001-033 property frontages. The existing dedicated portion shall remain as a dedicated street.
4. Dedicate slope and drainage easements on Westlake Boulevard and Mulholland Highway to the satisfaction of Public Works. The limits of slope and drainage easements shall be determined based on topography prior to final map approval.
5. Dedicate the right to restrict vehicular access on Mulholland Highway and Westlake Boulevard.
6. Set back the raised median nose in the private driveway a minimum 20 feet beyond the right of way off Encinal Canyon Road to the satisfaction of Public Works.
7. Permission is granted by the advisory agency to waive street frontage.

PC

Prepared by Patricia Constanza
tr71735r-rev3.doc

Phone (626) 458-4921

Date 02-11-2014

TENTATIVE MAP DATE 01-15-2014
EXHIBIT "A" MAP DATE 01-15-2014

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. If the waste water treatment plant and disposal/irrigation system fails to meet the standards of the Regional Water Quality Control Board (RWQCB) discharge permit at any time, the applicant shall immediately close and cease operation of the facility. This shall include cancellation of all current and scheduled events and lodging. The closure shall remain in place until it is confirmed that the system can again meet RWQCB water quality/discharge requirements.
2. Entire building sewer, private sewer, all buildings connecting to them and the treatment plant shall be located in one lot.
3. If the discharge line is in a different lot, required easement shall be recorded for the benefit of first lot.
4. A covenant shall be recorded to tie all buildings connecting to the private sewer line. It shall be recorded against the first property.
5. Review of the plans and inspection of the installation shall be performed by a competent third party engineering or sanitation firm, suggested by the applicant and selected and approved by the Division of Building and Safety and the Department of Health Services.
6. Provide a maintenance contract or agreement (revocable on the part of the subdivider or permittee only with the consent of the County) with a service company or entity approved by the Division of Building and Safety and the Department of Health Services for the continued maintenance of the waste water treatment facility. Such agreement or contract shall be in effect at all times. In the event the agreement or contract lapsed the operation of the uses on the property shall ceased until a contract or agreement with a new maintenance entity acceptable to the Department of Public Works and Department of Health is executed.



TENTATIVE MAP DATE 01-15-2014
EXHIBIT "A" MAP DATE 01-15-2014

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all lots in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each lot.
3. If necessary, install off-site water mainline to serve this subdivision to the satisfaction of Public Works.
4. Depict all line of sight easements on the landscaping and grading plans.
5. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.
6. Submit landscape and irrigation plans for each lot in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.
7. If recycled water is available, the irrigation systems shall be designed and operated in accordance with all local and state Codes as required per Section 7105.6.3 Chapter 71 of Title 26 Building Code.



Prepared by Tony Khalkhali
tr71735w-rev3.doc

Phone (626) 458-4921

Date 02-06-2014



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision No: TR 71735 Map Date: January 15, 2014

C.U.P. _____ Vicinity _____

- ☐ **FIRE DEPARTMENT HOLD** on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.
- ☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
- ☒ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.
- ☒ Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
- ☒ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.
- ☒ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
- ☒ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to Tentative Map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
- ☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
- ☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.
- ☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.
- ☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.
- ☐ The Fire Department has no additional requirements for this division of land.

Comments: **The Fire Department recommends approval of this project as presently submitted with conditions. See additional sheet for all conditions of approval.**

By Inspector: Juan C. Padilla Date February 27, 2014

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNICORPORATED

Subdivision No: TR 71735 Map Date: January 15, 2014

Revised Report _____

- ☐ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.
- ☒ The required fire flow for the private fire hydrants within the development is 2000 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- ☒ The required fire flow for the fire hydrant at the Helipad location is 1250 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 1 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- ☒ Fire hydrant requirements are as follows:
- Install 11 private on-site fire hydrant(s). Install 1 private fire hydrant at the Helipad.
- ☒ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☒ Location: As per map on file with the office.
- ☐ Other location: _____
- ☒ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.
- ☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.
- ☒ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.
- ☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.
- ☒ Fire hydrant upgrade is not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: **The required fire flow for this development has been updated per the building information submitted by the applicant. Additional review for compliance will be reviewed during the architectural plan review prior to building permit issuance.**

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date February 27, 2014

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

LAND DEVELOPMENT UNIT REQUIREMENTS

ADDITIONAL PAGE

Subdivision No: TR 71735 Map Date: January 15, 2014

TENTATIVE MAP – CONDITIONS OF APPROVAL

- 1 The proposed new Helipad location has been approved by the Fire Department. Prior to construction and operation of the Helipad, contact the Fire Department's Air and Wildland Division at (818) 890-5780 for requirements, including a new fire hydrant, and maintenance procedures.
- 2 All required on site fire hydrants within the development shall be installed and tested prior to construction. Submit plans to the Fire Department Sprinkler Plan Check Unit for review and approval.
- 3 Submit the construction plans for the proposed Solar Shade Structures within the parking lot to the Fire Department's Engineering Building Plan Check Unit for review and approval prior to installation.
- 4 The proposed Roof Gardens/Landscaping shall comply with the Los Angeles County Fire Code Section 504.5 and Appendix K. Compliance required during the architectural plan review process prior to building permit issuance.
- 5 All approved Fire Department apparatus access shall provide an all weather access surface, pavers will be accepted if the weight capacity will support a live load of 75,000 pounds. Submit information or structural specifications of the proposed pervious pavers for this development to the Fire Department's Engineering Building Plan Check Unit for review and approval prior to installation.
- 6 All approved Fire Department apparatus access shall be clearly delineated with approved signage and/or stripping prior to occupancy.
- 7 The phasing map as shown on the Tentative Map has been accepted by the Fire Department.

By Inspector: Juan C. Padilla Date: February 27, 2014

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783



LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION



PARK OBLIGATION REPORT

Tentative Map #	71735	DRP Map Date:	01/15/2014	SCM Date:	02/20/2014	Report Date:	02/10/2014
Park Planning Area #	27A	MALIBU				Map Type:	TENTATIVE

Total Units = Proposed Units + Exempt Units

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

- 1) the dedication of land for public or private park purpose or,
- 2) the payment of in-lieu fees or,
- 3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	0.00
IN-LIEU FEES:	\$0

Conditions of the map approval:

The park obligation for this development will be met by:

Trails:

No trails.

Comments:

The proposed project is The Malibu Institute, an educational retreat on a 650-acre property currently operated as the Malibu Golf Club.

*** Advisory:

The Representative Land Value (RLVs) in Los Angeles County Code (LACC) Section 21.28.140 are used to calculate park fees and are adjusted annually, based on changes in the Consumer Price Index. The new RLVs become effective July 1st of each year and may apply to this subdivision map if first advertised for hearing before either a hearing officer or the Regional Planning Commission on or after July 1st pursuant to LACC Section 21.28.140, subsection 3. Accordingly, the park fee in this report is subject to change depending upon when the subdivision is first advertised for public hearing.

Please contact Clement Lau at (213) 351-5120 or Sheela Mathai at (213) 351-5121, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, CA 90020 for further information or to schedule an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements, please contact the Trails Coordinator at (213) 351-5134.

By:


James Barber, Land Acquisition & Development Section

Supv D 3rd
February 10, 2014 17:28:39
QMB02F.FRX



LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION



PARK OBLIGATION WORKSHEET

Tentative Map # **71735** DRP Map Date: **01/15/2014** SMC Date: **02/20/2014** Report Date: **02/10/2014**
Park Planning Area # **27A** **MALIBU** Map Type: **TENTATIVE**

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

$$(P) \text{ people} \times (0.003) \text{ Ratio} \times (U) \text{ nits} = (X) \text{ acres obligation}$$

$$(X) \text{ acres obligation} \times \text{RLV/Acre} = \text{In-Lieu Base Fee}$$

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.

Ratio = The subdivision ordinance provides a ratio of 3.0 acres of park land for each 1,000 people generated by the development. This ratio is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units = Proposed Units + Exempt Units

	People*	Ratio 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	2.75	0.0030	0	0.00
M.F. < 5 Units	1.71	0.0030	0	0.00
M.F. >= 5 Units	2.13	0.0030	0	0.00
Mobile Units	1.99	0.0030	0	0.00
Exempt Units			0	
Total Acre Obligation =				0.00

Park Planning Area = **27A MALIBU**

Ratio	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	\$310,012	\$0

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
Total Provided Acre Credit:				0.00	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.00	0.00	0.00	0.00	\$310,012	\$0



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov



BOARD OF SUPERVISORS

Gloria Molina
First District

Mark Ridley-Thomas
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

Tract Map No.071735

Vicinity: Malibu

Final Tract Map Date: January 15, 2014

The Los Angeles County Department of Public Health – Environmental Health Division has no objection in approving Final **Tract Map 071735**. The following shall be submitted to the Department prior to recordation:

1. An approval letter from the Regional Water Quality Control Board on the use of a Treatment Facility.
2. A "Will Serve" letter from the Las Virgenes Municipal Water District.

Prepared by: Vicente Banada *V.B.*

Phone: (626) 430-5381

Date: February 20, 2014

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. TR071735-(3)
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005**

1. **HEARING DATE.** The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly noticed public hearing on April 30, 2014 in the matter of Project No. TR071735, consisting of Conditional Use Permit No. 201100122, Parking Permit No. 201100005, and Environmental Assessment No. 201100192. The CUP and Parking Permit are referred to collectively as "Project Permits." The Project Permits were heard concurrently with Vesting Tentative Tract Map No. 071735.
2. **PROJECT DESCRIPTION.** The permittee, Malibu Institute, LLC ("permittee"), proposes a Vesting Tentative Tract Map to create seven (7) lots by consolidating 29 existing lots, including two (2) development lots accommodating a remodeled golf course and 224,760 square feet of structures associated with the Malibu Institute educational retreat facility and five (5) permanently dedicated open space lots (over 450 acres) with a caretaker's residence on approximately 650 acres. Project would create a sports-oriented educational retreat facility affiliated with the University of Southern California (USC) to complement a remodeled 18-hole golf course on a 650-acre property currently operated at the Malibu Golf Club in the unincorporated Santa Monica Mountains in Los Angeles County. In addition to the remodeled golf course, the Project would also develop a 48,164-square-foot Malibu Institute building consisting of educational and meeting facilities. The Project would also develop visitor-serving overnight accommodations to facilitate multi-day programs that may be held on-site. The overnight accommodations would consist of 40 bungalow units in 37 individual structures with four bedrooms per unit, for a total of 160 bedrooms. The structures would be two-stories (four would be single-story) with floor areas ranging from 2,610 square feet to 2,885 square feet for the single bungalow units, and 5,310 square feet for structures with two bungalow units. Other facilities that would be provided by the Project include a 30,147-square-foot clubhouse with dining and lounge facilities as well as a fitness and wellness center, and an outdoor swimming pool with a poolside shower and changing room. The Project would also construct a 12,104-square-foot building containing a golf pro-shop that would provide retail space for golf-related merchandise, eight indoor computerized driving range bays, and grill/snack shop. The Project also would develop support facilities necessary for the upkeep of the Project, including a 10,500-square-foot maintenance building, a 9,162-square-foot golf cart storage barn, a 4,623-square-foot warehouse, and a 120-square-foot security/information building.
3. **LOCATION.** The subject property is located at 901 Encinal Canyon Road, Malibu CA 90265. The Project site is located within the Coastal Zone portion of the unincorporated Santa Monica Mountains north of the City of Malibu and south of the Cities of Agoura Hills, Calabasas, Thousand Oaks, and Westlake Village and is

bound by Encinal Canyon Road on the south and the intersection of Mulholland Highway and Westlake Boulevard on the north.

4. **ENTITLEMENT REQUESTED.** The conditional use permit is requested for (1) development of the Malibu Institute project and operation of a sports-oriented educational retreat facility on a 650-acre Project site containing a remodeled 18-hole golf course and 224,760 square feet of structures related to golf, educational, meeting facilities with a cafeteria and lounge, 40 bungalows constructed in 37 individual, a clubhouse with a restaurant/lounge, fitness/wellness center, an outdoor pool with associated shower/changing room, warehouse, a cart storage building, a pro shop, computerized driving range, a maintenance building, a security/information building; (2) the continued sale of alcoholic beverages for on-site consumption; (3) on-site accessory live entertainment in the clubhouse and conference facility; (4) on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill material, which would be balanced on-site with no import or export of fill material; (5) the relocation of an existing helipad in the R-R zone for emergency use by LACFD; and (6) the continued use of a caretaker's residence in the R-R zone. The requested CUP would amend and replace CUP No. 98-059-(3).
5. **ENTITLEMENT REQUESTED.** The parking permit is requested to authorize the sharing of code-required parking over two lots.
6. **PROJECT SITE AND CURRENT LAND USES.** The Project Site is an irregularly-shaped assemblage of 29 legal parcels totaling approximately 650 acres in size. The topography of the Project site is varied, containing steep slopes, valleys, and ridgelines. The subject property is developed with the Malibu Golf Club, including an 18-hole golf course, a clubhouse, a maintenance building, a storage building, an unpaved and graded helipad, and a water-storage tank. The subject property is also developed with a caretaker's residence and an abandoned residence in the northern portions of the Project site.
7. **EXISTING ZONING.** The Project Site is located in the Malibu Zoned District and is currently zoned A-1-1 (Light Agriculture, 1-acre minimum lot size), RPD-5-0.2U-DP (Residential Planned Development, 5-acre minimum lot size, 0.2 dwelling units per acre), R-R-1 (Resort and Recreation, 1-acre minimum lot size), and A-1-20 (Light Agriculture, 20-acre minimum lot size). Surrounding zoning includes O-S (Open Space), A-1-1 (Light Agriculture, 1-acre minimum lot size), A-1-5 (Light Agriculture, 5-acre minimum lot size), RPD-1-1U-DP (Residential Planned Development, 1-acre minimum lot size, 1 dwelling unit per acre), A-1-10 (Light Agriculture, 10-acre minimum lot size), and A-1-20 (Light Agriculture, 20-acre minimum lot size)..
8. **EXISTING LAND USE CATEGORIES.** The Project Site is located within the M2 (Mountain Land – 1 du / 20 acres), 3 (Rural Land – 1 du / 10 acres), 4 (Rural Land – 1 du / 5 acres), 5 (Rural Land – 1 du / 2 acres), N5 (Mountain Lands 5 – 1 du / 5 acres), and N20 (Mountain Lands 20 – 1 du / 20 acres) land use categories of the Malibu Land Use Plan and Santa Monica Mountains North Area Plan.

9. **Surrounding Zoning.** Surrounding Zoning within a 500-foot radius includes: O-S (Open Space), A-1-1 (Light Agriculture, 1-acre minimum lot size), A-1-5 (Light Agriculture, 5-acre minimum lot size), RPD-1-1U-DP (Residential Planned Development, 1-acre minimum lot size, 1 dwelling unit per acre), A-1-10 (Light Agriculture, 10-acre minimum lot size), and A-1-20 (Light Agriculture, 20-acre minimum lot size).
10. **SURROUNDING LAND USES.** Surrounding land uses within a 500-foot radius include public and private vacant property, recreational trails, scattered single-family homes with some homes including equestrian facilities, Fire Camp 13, a facility operated by the Los Angeles County Fire Department in conjunction with the California Department of Corrections and Rehabilitation, located approximately one-half mile to the southwest of the Project site, and Camps Miller and Kilpatrick, two Los Angeles County Department of Probation juvenile detention facilities located approximately one mile to the east of the Project site.
11. **PREVIOUS CASES/ZONING HISTORY.** The Malibu Country Club was developed on the Project site as an appurtenant use to a residential development in 1977. The residential development was never constructed due to subsequent litigation that set aside Zoning Cases 5844 and 5867 and changed density and zoning in the area to A-1-1 and R-R-1. In 1982, the County issued CUP No. 1453 to authorize the use of a private golf course on the Project site. This CUP expired on November 11, 1999. In 1999, the County approved CUP No. 98-059 (attachment) to authorize the continued use of the Project site for the operation of an 18-hole golf course, clubhouse, and appurtenant facilities, including three caretaker's residences for a period of 20 years, expiring on November 14, 2019. The existing configuration of the 29 legal lots is the result of three Lot Line Adjustments approved by the County.
12. **EXHIBIT MAP DESCRIPTION.** Exhibit map dated 1-15-14 depicts an approximately 650-acre Project site with seven (7) lots. The map depicts 224,760 square feet of development including the footprints of the proposed 12,104-square foot golf pro shop and grille, 10,500-square foot maintenance building, 30,147-square foot clubhouse building, relocated helipad, recreation area with a pool and an 800-square foot changing room, an existing water tank, 9,162-square foot cart storage building, 4,623-square foot warehouse, 48,164-square foot Malibu Institute building, on-site wastewater treatment system, 120-square foot information building, and one expanded surface parking lot on the western side of the development area and one resurfaced and screened surface parking lot on the southern side of the development area containing a total of 387 parking spaces, including eight handicap spaces. The map also depicts 37 bungalow structures (comprised of 34 single bungalow structures and three double bungalow structures for a total of 40 bungalows). The bungalow structures range in size from 2,610 square feet to 5,310 square feet. The map also depicts a landscape plan detailing 40 acres of landscaping including fuel modified native hillside paving, enhanced drought-tolerant planting, turf (non-golf) areas, and golf, native hillside, and native revegetation areas. The map also depicts a plan for the removal of 1,590 non-native on-site trees.

13. **SITE ACCESS.** The Project Site is accessible via Encinal Canyon Road on the south and Mulholland Highway on the north and west. Primary access to the Project Site will be via an entrance/exit on Encinal Canyon Road. The caretaker's unit would continue to take access from Mulholland Highway.
14. **Parking.** The Project will provide a total of 387 parking spaces which will be made available for guests, visitors, and employees associated with proposed development. Parking would be allocated as follows: two (2) spaces for the information building, 73 spaces for the Malibu Institute, one (1) space for the cart storage, five (5) spaces for the warehouse, 40 spaces for the clubhouse, 180 spaces for the pro shop/grille, six (6) spaces for the maintenance building, and 80 spaces for the bungalows. Most of the parking spaces would be located in one surface parking lot along the western side of the development area. The remainder of the parking spaces would be contained in an existing surface parking lot on the southern end of the development area and along the main driveway through the development area.
15. **HEARING EXAMINER PUBLIC HEARING.** A Hearing Examiner Public Hearing was held at the Malibu Golf Club on January 16, 2014 to take public testimony on the DEIR. Including staff, approximately 25 people attended the hearing but not all attendees testified. Testimony, as recorded in the attached transcript was received from the applicant and two (2) members of the public. Both individuals expressed their support for the Project noting that the Project is environmentally excellent, has taken into account community outreach, and supports the improvements to Trancas Creek and the greater watershed that come with this Project.
16. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** County Department comments and conditions were received from the Departments of Parks and Recreation, Public Works, Fire, and Public Health (attachment).

The Department of Parks and Recreation, in its letter dated February 10, 2014, recommends approval of the Project and requires no conditions.

The Department of Public Works, in its letter dated February 10, 2014, recommends approval of the Project and requires conditions regarding Project design, easements, activities required prior to final map recordation, hydrology, geological hazards and grading, drainage, right-of-ways, wastewater, and water.

The Fire Department, in its letter dated February 27, 2014, recommends approval of the Project and requires conditions of approval related to access, final map markup, fuel modification, identification signage, the on-site water system, hydrants, the on-site helipad, the proposed solar shade structures, proposed vegetated roofs, and phasing.

The Department of Public Health, in its letter dated February 20, 2014, recommends approval of the Project and requires conditions regarding the on-site wastewater treatment system and verification of adequate water supplies to serve the proposed Project.

17. ENVIRONMENTAL DETERMINATION. The Department of Regional Planning (“DRP”) determined by way of an Initial Study and identified in the Notice of Preparation (“NOP”) sent to agencies, that an Environmental Impact Report (“EIR”) was necessary for the Project. The areas of potential environmental impact addressed in the EIR include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Public Services
 - Fire
 - Sheriff Services
- Recreation
- Transportation/Traffic
- Utilities/Services
 - Water Supply
 - Wastewater Treatment
 - Solid Waste Disposal
 - Energy Supply

The DRP determined by way of an Initial Study that there was no evidence the Project would cause significant environmental effects in the following areas and no further environmental review was needed:

- Agriculture/Forest Resources
- Mineral Resources
- Population/Housing
- Public Services
 - Schools
 - Libraries
 - Other Public Services

A Draft EIR (“DEIR”) was circulated for a 60-day public review and comment period from December 9, 2013 to February 7, 2014 and copies were delivered to the Regional Planning Commission. Oral comments were also received from members of the public at a Hearing Examiner public hearing held on January 16, 2014 at the Malibu Golf Club. A copy of the Hearing Examiner staff report and transcript of the

proceeding have been provided to the Commission. As identified in the DEIR, after implementation of the required mitigation measures, the Project would result in no significant and unavoidable impacts to the environment.

18. LEGAL NOTIFICATION AND PUBLIC OUTREACH. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

19. PUBLIC COMMENTS. By the close of the public comment period on the DEIR, 46 written comments regarding the Project had been submitted. Comments were received from local governments and agencies as well as individuals. Written testimony in favor of the Project emphasized the benefits to both the community and the environment, including the provision of overnight accommodations and the remodeling and maintenance of a public-use golf course in the National Recreation Area and the improvements to the environment like eradication of on-site invasive species, a significant reduction in on-site water consumption, and the dedication of over 450 acres of undeveloped land as permanent open space. Other environmental benefits cited include constructing LEED Platinum (or equivalent) buildings and the overall sustainability of the Project. Only one written letter expressed concern with the Project. Concerns were related to the overall built footprint of the Project and what was being done with the portions of Trancas Creek that had been previously altered and culverted through the Project site.

After the close of the public comment period on the DEIR and prior to the Regional Planning Commission public hearing, one comment letter was submitted to Regional Planning staff. The commenter expressed their opposition to the Project citing a number of concerns related to the temporary loss of a public play golf course, the developer's intent for the Project, the amount of development, and project financing.

20. PUBLIC HEARING PROCEEDINGS. *To be inserted after the public hearing to reflect hearing proceedings.*

21. The Commission finds that the proposed uses are consistent with the goals and policies of the adopted 1986 Malibu Land Use Plan. The Project would provide an educational retreat facility and a remodeled public-play golf course in an already disturbed area within the Coastal Zone of the unincorporated Santa Monica Mountains and would dedicate over 450 acres as permanent open space.

22. The Commission finds that the Project is consistent with the surrounding area in the unincorporated Santa Monica Mountains. The exterior appearance of the development would be designed to blend with the surrounding environment and topography, with structures developed with consistent design, vegetated roofs, and natural materials. Additionally, the Project would comply with "Dark Skies" principles to minimize the amount of nighttime lighting occurring on-site and avoiding impacts to the surrounding area.

23. The Commission finds that a conditional use permit is required to address the establishment and implementation of the proposed Project.
24. The Commission finds that the Project's hours of operation are appropriately restricted to minimize any potential impacts to the surrounding area. The Malibu Institute would be permitted to operate between 10:00 a.m. and 12:00 a.m. seven days a week; the golf course would be permitted to operate between 6:00 a.m. and dusk seven days a week; outdoor events would be permitted to operate between 10:00 a.m. and dusk seven days a week; the clubhouse and associated dining and banquet facilities would be permitted to operate between 6:00 a.m. and 10:00 p.m. seven days a week for outdoor events and service and to 12:00 a.m. for indoor events and service; indoor events and service would be permitted to operate until 2:00 a.m. for special events; and the on-site swimming pool would be permitted to operate from 6:00 a.m. to 10:00 p.m. seven days a week.
25. The Commission finds that the Project is appropriately conditioned to ensure continued affiliation with an institute for higher learning.
26. The Commission finds that the Project is appropriately conditioned to ensure golf course remains accessible to the public.
27. The Commission finds that the Project is appropriately conditioned to ensure that water use for purposes of irrigating the golf course is minimized to the extent practical.
28. The Commission finds that the Project is appropriately conditioned to ensure that the relocated helipad would be available only for emergency use.
29. The Commission finds that as much as possible, the Project shall improve the hydrological connection through the golf course between the headwaters of Trancas Creek and the portion of Trancas Creek at the southern end of the subject property by daylighting currently culverted segments.
30. The Commission finds that the proposed uses are consistent with the development standards of the R-R-1 and A-1-1 zones, as set forth in sections 22.40.180 et. Seq. and 22.24.070 et. Seq. of the County Code.
31. The Commission finds that the proposed uses are consistent with the land use goals and policies of the adopted 1986 Malibu Land Use Plan as follows. The Project site is subject to the land use provisions within the 1986 Malibu Land Use Plan (LUP). This plan designates the portions of the Project site proposed for development as 3 (Rural Land I), 4 (Rural Land II), and 5 (Rural Land III). These land categories allow for: Residential Rural Land. Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include: large lot residential uses. Low-intensity commercial recreational uses, agriculture activities, the less intensively developed or open space portions of urban and rural developments, and lower cost visitor

residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional use. The Project would remodel the existing 118-acre golf course and add an educational facility with overnight accommodations in 40 bungalows and would be consistent with these categories.

The following are key policies of the LUP applicable to the proposed Project:

- *Policy P1: Provide recreational opportunities to meet the variety of recreation demands.* The Project would improve recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing golf course and expanding the services and facilities available to include conference space for educational programs, overnight accommodations, and an expanded clubhouse. While the golf course would remain available to the general public, the availability of restaurants, a snack bar, driving range, swimming pool, and other amenities would serve the needs of overnight guests on-site while also providing access to facilities, such as restrooms, restaurant, and a snack bar, for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway. With its proposed facilities, the Project would be consistent with this Policy.
- *Policy P74: New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.* The Project would remodel the existing golf course and associated facilities within the footprint of the existing golf course, which is accessed from Encinal Canyon Road, a paved public street, and is provided with potable water by existing Las Virgenes Municipal Water District (LVMWD) infrastructure. On-site wastewater treatment would be provided through installation of a new on-site water treatment facility that would produce recycled water suitable for use in irrigation or subsurface infiltration. The existing septic systems, with the exception of the system for the existing caretaker's residence near Mulholland Highway, would be abandoned pursuant to a permit issued by the County Department of Public Health. By using an already disturbed area of the Project site and improving its water quality features, wastewater facilities, water conservation components, and replacing non-native ornamental landscape with drought tolerant native species, the Project would minimize its effects on sensitive environmental resources onsite and downstream to ensure consistency with this Policy.
- *Policy P271(a)(1): Residential Rural Land. Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include: large lot residential uses. Low-intensity commercial recreational uses, agriculture activities, the less intensively developed or open space portions of urban and rural*

developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional use, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The following maximum residential density shall apply:

Rural Land I – one dwelling unit per ten acres average, consistent with other policies of the LCP.

Rural Land II – one dwelling unit per five acres average, consistent with other policies of the LCP.

Rural Land III – one dwelling unit per two acres average, consistent with other policies of the LCP.

The Project is consistent with the LUP. The Project would remodel the existing 118-acre golf course utilizing design features that will provide an environmentally superior golf course and add an educational facility with overnight accommodations in 40 bungalows to increase visitor access to the Coastal Zone on approximately 20 acres of the 650-acre property. The Project development would occur entirely within the area previously disturbed by the existing golf course. Approximately 450 acres of the property, consisting mostly of undeveloped hillsides, would be dedicated to a public agency as permanent open space. Improvements to the remodeled golf course would remove approximately 1,590 non-native trees, include sand-capping of the fairways and other measures to promote infiltration of stormwater and improve water quality, install photovoltaic panels with the goal of generating the majority of the Project's energy needs, and construct a wastewater treatment system that would generate approximately 40,000 gallons per day to be used to partially irrigate the course. Overall the Project would reduce the use of water on the site by approximately 32% and would retain the last public golf course within the Santa Monica Mountains Coastal Zone. The Project also would restore habitats at the existing golf course ponds, which are hydrologically connected with Trancas Creek. The golf course ponds would be temporarily dewatered to eradicate invasive animals and vegetation and sediment would be removed to improve functional capacity and remove any toxins such as pesticides and herbicides that may have accumulated in bottom sediments. The ponds then would be refilled and replanted with native vegetation.

The Project would consist of less new development than would be allowed under the maximum residential density standards of this policy. According to the land use map of the LUP, the development area and golf course at the Project site are designated as Rural Lands II and III (RL-II, RL-III). The areas located around the development area, comprising the majority of the 650-acre Project site, are designated Mountain Lands (M2) and Rural Lands (RL-I, RL-

II, RL-III). The Rural Land designations allow for the establishment of visitor-serving, resource-based commercial recreation uses characterized by large open space areas, limited building coverage, and minimal modification of the natural environment.

Two of the principal permitted uses of these land use categories are low-intensity commercial recreational uses and lower cost visitor recreational uses. The Project would create a low-intensity project by limiting development to areas of existing disturbance and incorporating LEED Platinum design principles, such as green roofs, moisture sensing irrigation system, solar panels, drought tolerant landscaping, waste recycling, and development of a transportation system utilizing shuttles and electric vehicles.

Furthermore, the zoning for most of the development area, Resort-Recreation (R-R), is consistent with the LUP designation. The R-R zone allows for golf courses with clubhouse facilities by right, and hotels, colleges/universities with appurtenant facilities, guest ranches, restaurants and grading projects with a conditional use permit. Accordingly, these uses are consistent within the designated Rural Land portion of the property.

Permitting development of 224,760 square feet on 20 acres within the larger 650-acre Project site (approximately 0.3% of the total property) balances the need for visitor-serving recreational facilities in the Santa Monica Mountains with the protection of sensitive natural resources. It would allow clustered development in the existing disturbed areas in the southern portion of the Project site, adjacent to Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the Project site consistent with the Land Use Element policies to “enhance recreational opportunities” and “protect the integrity of existing rural communities.” The Project would protect the integrity of existing rural community by providing buildings simple in form, function and architectural character to complement the mountainous character of the surrounding property. Landscaping, including mature oaks trees and other native trees, would screen buildings from Encinal Canyon Road and Mulholland Highway.

The majority of the remaining areas of the property designated as M2 (Mountain Lands) and RL-I, II, and III, approximately 450 acres, could potentially be developed with single-family residences and recreational uses. Residential development on these parcels would disturb ESHA and SERA and require large fuel modification buffers. Clustering development on 20 previously disturbed acres, approximately three percent of the 650-acre property, in the southern portion of the property would allow the Project to provide over 450 acres of this undisturbed native habitat as permanently dedicated open space, consistent with the goal of the LUP to “preserve the unique natural resources and fragile environment of the Malibu/Santa Monica Mountains Coastal Zone for the enjoyment of millions of Los Angeles area residents and visitors.” The low-intensity educational retreat therefore would

be consistent with the Rural Land I, Rural Land II and Rural Land III designations.

32. The Commission finds that the applicant has met the Conditional Use Permit Burden of Proof. The Project site is located at 901 Encinal Canyon Road. Encinal Canyon Road, which is an improved highway that provides east-west access to the area. Regional access to the property is available from Encinal Canyon Road via Mulholland Highway off the 101 Freeway or via Encinal Canyon Road, Decker Canyon Road, or Kanan Dume Road off of Pacific Coast Highway. The Project would be a natural extension of the existing outdoor golf course uses that have occurred on the property since the 1970s, and would allow the golf course to continue to be open to the public. The 18-hole golf course and its appurtenant facilities, including the clubhouse and the restaurant, are currently permitted by Conditional Use Permit No. 98-059-(3). The Project would create an educational retreat, with educational and meeting facilities associated with USC, overnight accommodations in 40 bungalows, a new clubhouse with a spa and pool, and a re-configured 18-hole public golf course at the property.

The Project and appurtenant amenities would be clustered on 20 acres in the southern portion of the 650-acre property in a 145-acre area subject to significant previous disturbance for development and operation of the existing 18-hole golf course. The remodeled 18-hole golf course would cover 107 acres of the existing 118-acre golf course. By clustering development on the southern portion of the property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area (ESHA), as permanently dedicated open space.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total property) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the property, areas which are highly disturbed from their natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the property.

The entire 650-acre property contains 29 legal parcels. Rather than proposing residential estate development on each of these parcels, which would require removal of ESHA for not only the development of the separate, individual residential estates, but also larger fuel modification buffers and overall infrastructure development, the Project would develop a retreat, with buildings clustered on just 20 previously disturbed acres or three percent of the property. The Project's clustered development on the southern portion of the property would leave over 450 acres of permanently dedicated open space, an outcome not achievable with a residential estate development based on the existing property configuration and regulatory requirements.

The Malibu Institute and appurtenant amenities would be separated from other developments on the north, south, east and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the development area is within the low-lying areas of the property, the proposed buildings would not affect views from nearby residences.

The Project would be located so as to not significantly impact views and significant natural terrain features associated with Encinal Canyon Road and Mulholland Highway. The Project would be designed in a manner to be compatible with the natural environment and blend with the existing natural contours and topography of the surrounding area. The buildings would be designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function, and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. The Institute building would use the building footprint, foundation and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a "smart" irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. Design features also would include green roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, the use of highly efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. Water conservation and design features would include low flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems. The Project would incorporate a recycling program as part of its operations as well as additional sustainability features from the County's Green Building Ordinance, Low Impact Development Ordinance, and Drought Tolerant Landscaping Ordinance. In particular, the majority of the proposed buildings would be constructed with the goal to achieve LEED™ Platinum Certification (or equivalent). Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots and covered with photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. The Project would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with

Dark Skies initiatives and the County's Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community or the County. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. These features will substantially reduce the Project's reliance on public utilities such as water and electricity.

The Project would balance all grading on-site, thereby minimizing adverse impacts to the surrounding area traffic and circulation system. The Project would incorporate mitigation measures to ensure that all potential air quality and noise impacts caused by the Project, both short-term and long-term, would be minimized.

The Project site has used a helipad for many years without complaint from neighboring property owners or public authorities. The proposed new helipad location is preferred by the Los Angeles County Fire Department and would improve firefighting efforts for the Project and the surrounding area.

The proposed grading and engineering for the Project would ensure public safety in the Project's construction and operation. The proposed structures would not be located in areas characterized by unstable geologic conditions. The Project site is not located within any Alquist-Priolo Special Studies Zone. According to the General Plan, the property is within a landslide area; however, implementation of the recommendations contained in the Project's geotechnical report and compliance with the Los Angeles County Building Code would reduce slope stability impacts to a less than significant level. The Project would employ contour grading techniques to smoothly transition manufactured slopes back into the natural contours of adjacent undisturbed areas. The Project would incorporate mitigation measures to minimize all potential air quality and noise impacts caused by the Project, both short-term and long-term.

The Project would implement water quality and flood control measures, including on-site storm drains and bio-swales, to contain and convey storm runoff from the developed areas of the Project. During construction, the Project would implement Best Management Practices (BMPs), including erosion control and sediment control devices, to reduce runoff and erosion. Further, the Project would transform mostly

disturbed portions of the property with enhanced native, drought-tolerant landscaping that would blend with the surrounding environment. The property is not located within the 100-year flood plain established by the Federal Emergency Management Agency or the County's 50-year capital flood zone.

The Project would maximize fire safety. It would implement a fuel modification plan to minimize the risks of wildfires. The plan would establish buffer zones around the proposed structures and would dictate the types of vegetation allowed within the buffer zones. The plan also would include additional requirements regarding the removal of brush and dead plant materials, removal of non-native plant species, and periodic maintenance of the buffer zones. All structures within the Project would be located along paved, all-weather and accessible roads. Finally, the existing helipad would be relocated to an area preferred by the Los Angeles County Fire Department to improve firefighting capabilities for the Project and the surrounding properties.

Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation. All required parking would be provided on-site at pervious surface parking lots near the entrance to the property.

The Project would comply with County development standards. It would comply with the requirements of the Zoning Ordinance related to yards, walls, fences, parking and loading facilities, landscaping, and other development features. All fences would conform to County requirements and the Project's landscaping would comply with the requirements of the County's Drought Tolerant Landscaping Ordinance.

All structures would be located along paved, all-weather, and accessible roads. The Project would provide fire lane access of at least twenty feet throughout the development area.

The low-intensity design plan would preserve the surrounding environment and minimize traffic impacts by providing overnight accommodations to guests of the Malibu Institute and golf course events within the Project site.

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute. Further, no schools, places of religious worship, or playgrounds are located within 600 feet of the property. The Malibu Institute and appurtenant amenities are separated from other developments and uses on the north, south, east and west by rugged terrain and steep hillsides thereby limiting any off-site effect of consumption of alcoholic beverages on-site.

As the use of the property is within the low-lying areas of the property, no view of alcoholic beverage consumption at the site from nearby residential areas would

exist. The landscaping for the project would provide a buffer between the property and Encinal Canyon Road.

The requested use at the proposed location will not result in an undue concentration of similar premises as there are no other premises within 2,500 feet of the property that serve alcoholic beverages to the public. The closest similar premises are located more than a mile away from the subject location.

No similar uses surrounding the property serve alcoholic beverages to the public, limiting any possible adverse economic effect to the surrounding community.

33. The Commission finds that the applicant has met the Parking Permit Burden of Proof. The Project would provide parking as required by County Code; however, the demand for parking would be less than Code requirements due to the nature of the proposed uses at the Malibu Institute. The strict interpretation of the County Code would require a certain number of parking spaces for each use on a lot at the property, even though the same people would be engaging in the those uses on the property. For example, the people using the Malibu Institute conference center would be the same people residing in the guest bungalows. All parking would be located on-site pervious surface parking lots containing a total of 387 parking spaces within the property, in excess of the 377 required by the County Code will be adequate to serve the uses at the property. Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. Parking areas would use photovoltaic panels over shade structures to generate most of the energy needs for the Project. Accordingly, the proposed parking would have no effect on circulation or parking in the surrounding area.

Shared parking would be used to provide parking for all uses proposed at the property. When there are major events at the Malibu Institute, the Project proposes the use of valet services, if necessary, to handle overflow parking for these events. The valet parking attendants would supervise any shared parking when in use to ensure easy ingress and egress of employees, independent contractors and visitors from those spaces. No tandem or compact parking spaces would be required for the Project.

All required operational and standard event parking shall be provided on-site. Major events exceeding 5,000 attendees may include off-site park and ride agreements as part of a Major Event TDM and Parking Management Plan. In addition, both development lots (Lots 5 and 6) are anticipated to be owned by the applicant and a CC&R are required to be recorded to ensure reciprocal access in the future.

The site is of sufficient size to accommodate the Project. The Project's structures would be located on 20 acres of the larger 650-acre property, which is more than adequate to accommodate the Project and any yards, walls, fences, parking and loading facilities, landscaping and other development features. The clustering of developed structures on 20 acres and the remodeled golf course on 107 acres in the

southern and central portions of the property would allow the dedication of over 450 acres of the Project site as permanent open space.

34. The Commission finds that the Project would adequately address traffic concerns in the area by implementing a shuttle system to provide access to the project site from nearby airports and educational institutes. The Project would also provide any necessary amenities on-site to ensure that attendees do not need to leave the project site and cause additional traffic on surrounding roads.
35. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses and the general safety of patrons to the subject property and residents of the project vicinity, it is necessary to limit the Conditional Use Permit as it pertains to alcohol sale to 20 years.
36. The Commission finds that the Project would be adequately conditioned to ensure that all information is made available on-site to allow patrons to file complaints regarding Project operation with the Department of Regional Planning and Los Angeles County Sheriff.
37. The Commission finds that the Project would be adequately conditioned to ensure that the all employees involved in the sale of alcoholic beverages participate in an alcohol and drugs education program.
38. The Commission finds that the Project would be adequately conditioned to ensure that hours for the sale of alcohol are appropriately restricted to between 6:00 a.m. and 12:00 a.m. and to 1:00 a.m. for private events.
39. The Commission finds that the Project would be adequately conditioned to ensure the safety of patrons to the Project site by requiring the development and implementation of a designated driver program.
40. The Commission finds that a Parking Permit is required to allow for the sharing of code-required parking across two lots. With the granting of the requested Parking Permit, the Project is in compliance with Part 7 of Chapter 22.56 of the County Code. The Project would provide 387 spaces, including eight handicap spaces, which is in excess of the 377 spaces required by the County Code.
41. The Commission finds that the Project is adequately conditioned to ensure continuous access to the proposed shared parking.
42. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Malibu community. On March 26, 2014, a total of 112 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 12

notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.

43. The Commission finds that the MMRP, prepared in conjunction with the Final EIR, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. The Board further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and MMRP.
44. The Commission finds that the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Commission reviewed and considered the Final EIR, along with its associated MMRP, and Findings of Fact and finds that they reflect the independent judgment of the Commission. The Findings of Fact are incorporated herein by this reference, as set forth in full.
45. The Commission finds that the MMRP for the Project is consistent with the conclusions and recommendations of the Final EIR and that the MMRP's requirements are incorporated into the conditions of approval for the Project.
46. The Commission finds that the MMRP, prepared in conjunction with the Final EIR, identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project.
47. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES THAT:**

Regarding the Conditional Use Permit and Parking Permit:

- A. The proposed uses with the attached conditions will be consistent with the adopted Malibu Land Use Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the EIR for the Project was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the EIR and that the EIR reflects the independent judgment and analysis of the Commission as to the environmental consequences of the Project; and finds that on the basis of the whole record that the significant adverse effects of the Project, as described in the EIR, have been reduced to an acceptable level as stated in the attached Findings for the Project;
2. Approves Conditional Use Permit No. 201100122 and Parking Permit No. 201100005, subject to the attached conditions.

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. TR071735-(3)
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005**

PROJECT DESCRIPTION

To authorize the construction of The Malibu Institute (Project) within the Santa Monica Mountains Coastal Zone. The Project is seeking a vesting tentative tract map to consolidate 29 existing lots into seven lots; a conditional use permit for (1) development of the Malibu Institute project and operation of a sports-oriented educational retreat facility on a 650-acre Project site containing a remodeled 18-hole golf course and 224,760 square feet of structures related to golf, educational meeting facilities with a cafeteria and lounge, 40 bungalows constructed in 37 individual structures, a clubhouse with a restaurant/lounge, a fitness/wellness center, an outdoor pool with associated shower/changing room, a warehouse, a cart storage building, a pro shop with a computerized driving range, a maintenance building, and a security/information building; (2) the continued sale of alcoholic beverages for on-site consumption; (3) on-site accessory live entertainment in the clubhouse and conference facility; (4) on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill material, which would be balanced on-site with no import or export of fill material; (5) the relocation of an existing helipad in the R-R zone for emergency use by the Los Angeles County Fire Department (LACFD); and (6) the continued use of a caretaker's residence in the R-R zone; and a parking permit to allow the sharing of code-required parking over two lots. This conditional use permit would amend and replace CUP No. 98-059-(3) upon use of this grant. The Project also proposes to remove a 4,160 square-foot abandoned residence in the northern portion of the Project site and conserve over 450 acres of land, which would be left undisturbed and would become permanently dedicated open space, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") an affidavit stating the permittee and/or owner is aware of and agrees to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 11 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire at the time that the vesting tentative map expires without recordation of a final map. Entitlement to the use of the subject property under this

grant after the vesting tentative map expires without recordation shall be subject to the regulations in effect at the time of such use is proposed. Recordation of a final map shall be considered use of this grant.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$4,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **20 annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$2,256.25** (\$2,181.25 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee), or **\$3,104.75** (\$3,029.75 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
12. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation Monitoring and Reporting Program ("MMRP") and agrees to comply with the mitigation measures imposed by the Environmental Impact Report for this project,

in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.

13. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
15. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
16. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
17. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
18. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
19. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification

of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

20. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by prior to the recordation of the final map for Tract Map No. 071735. The existing caretaker's residence shall be depicted on a separate open space lot to be created on the final map to the satisfaction of the Department of Regional Planning.
21. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.
22. Within 90 days of the County's approval of the Malibu Institute project, the permittee shall file an application with the Local Agency Formation Commission for the County of Los Angeles ("LA LAFCO") for an out-of-agency service extension, consistent with the requirements set forth in Government Code Section 56133.
23. This grant shall not be effective for any purpose unless and until the permittee obtains a coastal development permit from the County or the California Coastal Commission authorizing development of the Project.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT

24. The permittee and/or owner of the subject facility shall maintain an official affiliation with an accredited educational institute of higher learning, such as but not limited to the University of Southern California, the University of California Los Angeles, and/or Pepperdine University. The permittee and/or owner of the subject facility shall submit an annual report to the Department of Regional Planning regarding the educational events and programs associated with the subject facility to the satisfaction of the Director of Regional Planning.
25. With the exception of the Project's non-habitable accessory structures, all other structures shall incorporate sustainable and green design features with the aim of achieving LEED Platinum Certification (or equivalent) to the satisfaction of the Director of Planning.
26. No night lighting is permitted except that the parking lot and pathways and entrances to buildings around the Malibu Institute buildings and the bungalows shall be illuminated for public safety during evening hours. Lighting shall be designed and installed consistent with dark skies principles. Lighting shall have a

maximum of 0.2 foot-candles on pavement (minimum light intensity for safety in general parking areas). All light fixtures installed on paths of travel (walkways, stairs, pathways, etc.) shall be a maximum height of 18 inches from the finish ground. All lighting shall be shielded and/or directed downward in order to minimize excessive on-site illumination and to avoid illumination of the surrounding properties.

27. All conferences and events including accessory live entertainment occurring at the Malibu Institute facility shall be allowed to occur from 10:00 a.m. to 12:00 a.m. seven days a week.
28. All outdoor events including accessory live entertainment occurring at the Malibu Institute facility shall be allowed to occur seven days a week from 10:00 a.m. to 10:00 p.m. provided any lighting complies with Condition 25, above and that amplified music shall cease after sunset.
29. Hours of operation for the clubhouse and associated dining and banquet facilities shall be from 6:00 a.m. until 10:00 p.m. for outdoor events and 12:00 a.m. for indoor events and service seven days a week. The Malibu Institute may extend the closing time of the clubhouse and/or institute building and associated dining and banquet facilities to 2:00 a.m. for special events, such as New Year's Eve. Service from the dining facilities shall be allowed 24 hours per day for purposes of room service to the on-site visitor-serving overnight accommodations.
30. All visitor-serving overnight accommodations shall be maintained available for public use if they are not previously occupied by attendees of events occurring at the Malibu Institute or patrons of the golf course and associated facilities.
31. None of the rooms within the bungalow structures shall be allowed to be keyed independently of the main access door to each of the bungalows; however, each room may have a one-sided internal lock and the permittee and/or owner of the subject facility may have a master key to open all internal locks.
32. Hours of operation for the on-site swimming pool shall be between 6:00 a.m. and 10:00 p.m.
33. This grant allows for the continued operation and maintenance of the existing golf course and appurtenant uses and structures subject to the following:
 - a. The golf course hours of operation shall be from 6:00 a.m. to dusk seven days a week.
 - b. The golf course shall be maintained available for public use. The golf course shall not be operated as a private golf club and restricted to attendees of events occurring at the Malibu Institute.

- c. The permittee shall irrigate the golf course utilizing all practical water conservation measures including the use of reclaimed water from the proposed on-site wastewater treatment plant as permitted by the Regional Water Quality Control Board.
 - d. The operator of the golf course shall prepare a Golf Course Maintenance Plan in order to minimize impacts to biological resources within the golf course property as a result of golf course maintenance practices such as irrigation, fertilizer, pesticide and herbicide use, and storm water drainage. This Plan shall be prepared in coordination with the County biologist.
 - e. Golf tournaments shall be limited to those sponsored by charitable organizations and corporations and shall not provide seating facilities or viewing galleries within the golf course for spectators.
 - f. This permit prohibits the playing of golf after dusk and requires daily closure of the golf course within one hour after dusk.
 - g. There shall be no self-illuminating advertising signage or any of the type of advertisements located in the parking lot, clubhouse or any of the walls or fences enclosing the subject property.
 - h. The permittee shall maintain free of litter all areas of the premises under which the applicant has control.
34. The permittee shall plant only native, drought-tolerant species on the project site as part of its landscaping plans.
35. The permittee shall continue to take appropriate actions to reduce the amount and rate of water runoff and protect downstream water quality to protect sensitive resources and riparian areas consistent with the requirements of the permits issued by the Los Angeles Regional Water Quality Control Board (LARWQCB).
36. The permittee shall comply with all requirements of the MS4 Permit issued by the LARWQCB to the County of Los Angeles.
37. Prior to the issuance of the building permit for any new habitable structures, the permittee shall provide evidence to the satisfaction of the Director of Regional Planning of the following: 1) that a consultant approved by the Department of Public Works, Division of Building and Safety and Department of Health Services has been retained to review the construction plans and perform inspection of the installation of the waste water treatment facility; and 2) an executed maintenance agreement or contract with a service company approved by the Department of Public Works, Division of Building and Safety and the Department of Health Services for the continued maintenance of the waste water treatment facility. Such agreement or contract shall be in effect at all times. In the event the agreement or contract lapses, the operation of the uses on the property shall cease until a

contract or agreement with a new maintenance entity acceptable to the Department of Public Works and Department of Health is executed.

38. If the waste water treatment facility and disposal/irrigation system fails to meet the standards of the Regional Water Quality Control Board (RWQCB) discharge permit at any time, the permittee shall immediately close and cease operation (including all current and scheduled events and lodging) of the conference building, the bungalows, the golf course and all support facilities such as, but not limited to, the pro shop, clubhouse, kitchen, cafeteria, lounge bathroom and shower buildings. The closure shall remain in place until it is confirmed to the satisfaction of Department of Public Works and Department of Health Services that said system can again meet RWQCB water quality/discharge requirements.
39. The permittee shall continue to manage the golf course property with sensitivity toward important natural resources and hazards such as flood, fire, and erosion in accordance with the approved Exhibit "A."
40. Green waste shall be appropriately recycled on the property to the extent feasible.
41. The relocated on-site helipad shall be reserved only for emergency use by public agencies such as, but not limited to, the Los Angeles County Fire Department.
42. All project-related grading shall be balanced on-site with no export or import of materials.
43. As much as possible, the permittee shall improve the hydrological connection through the golf course between the headwaters of Trancas Creek and the portion of Trancas Creek at the southern end of the subject property by daylighting currently culverted segments as depicted on the approved Exhibit "A." The daylighted segments shall become part of the golf course and shall not require setbacks from the golf course.
44. Where compatible with golf course management, the permittee shall use native grasses such as white yarrow, salt grass, and clustered field sedge as part of the landscape component of the fairway and roughs for the golf course in accordance with an approved landscape plan.
45. The permittee shall annually monitor for the reintroduction of invasive plant and animal species and remove them in accordance with the Pest and Invasive Species Management Plan detailed in Mitigation Measure 5.3-11 in the MMRP.
46. The permittee shall perform pre-construction surveys for sensitive species such as lichens, bryophytes, vascular plant floras, and invertebrate insects and mollusks.
47. During renovation of the golf course and construction of the Malibu Institute, the permittee shall hold, when possible, sensitive native animal species for later replacement to and throughout the restored and undeveloped part of the Project

site. Mitigation lands or credits may need to be purchased for sensitive species that are found and cannot be held or for some relocations and/or sensitive species assumed to be present and for cumulative loss of habitat.

48. The permittee shall work with surrounding property owners to remove all storage materials located at the southeast of the Project site.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT, ALCOHOL

49. **The portion this grant allowing continued sale of alcoholic beverages for on-site consumption shall terminate on April 30, 2034 or 20 years after recordation of the final map, whichever occurs later.** Entitlement to sell alcoholic beverages for on-site consumption shall be subject to the regulations then in effect. If the permittee intends to continue to sell alcoholic beverages for on-site consumption after such date, whether or not the permittee proposes any modifications to such sale at that time, the permittee shall file a new Conditional Use Permit application for sale of alcoholic beverages for on-site consumption with the Department of Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the sale of alcoholic beverages for on-site consumption, notice is hereby given that such sale may require additional or different permits and would be subject to the then-applicable regulations.
50. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and any employee involved in the sale or service of alcohol shall be knowledgeable of the conditions herein.
51. The permittee shall post a sign at the entrance to the on-site restaurant and bar in English and the predominant second language displaying contact telephone numbers for the site's manager, the Department of Regional Planning Zoning Enforcement Section and the closest sheriff station for reporting any problems which may occur related to the operation of said establishment and shall implement a program to address and promptly resolve such problems should they occur.
52. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of

the facilities' training program by employees, the licensee and all managers shall be available upon request.

53. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
54. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
55. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
56. This grant authorizes the sale of alcoholic beverages seven days a week from 6:00 a.m. to 12:00 a.m. or 1:00 a.m. if there is a private event at the subject facility.
57. The sale of alcoholic beverages for consumption off the subject property is prohibited.
58. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Regional Planning for approval prior to issuance of the Certificate of Occupancy. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
59. All servers of alcoholic beverages must be at least 18 years of age.
60. The permittee shall not advertise or hold any "happy hour" drink specials, "two for one" specials, or similar promotions.

PERMIT SPECIFIC CONDITIONS – PARKING PERMIT

61. The permittee shall not reduce the number of parking spaces provided on-site below the number as shown on the approved Exhibit "A."
62. The permittee shall maintain reciprocal access between the Malibu Institute and golf course lots to allow for continued use of the shared parking facility in accordance with the recorded CC&Rs or access easement.
63. In the event that the permittee or property owner is unable to comply with the provisions of the parking permit, the use for which permit has been granted shall be terminated, reduced, or removed unless some other alternative method to provide the required parking is approved by the Director.

PROJECT NO. TR071735-(3)
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005

DRAFT CONDITIONS OF
APPROVAL
PAGE 11 OF 11

Attachments:

Mitigation Monitoring and Reporting Program
Subdivision Committee Report

Burden of Proof for Conditional Use Permit
Project No. TR071735
Conditional Use Permit No. 201100122
The Malibu Institute

Background

The Applicant requests an amendment of CUP No. 98-059-(3) and a new conditional use permit to allow development of the Malibu Institute, a sports-oriented educational retreat affiliated with the University of Southern California, on a 650-acre property currently operated as the 18-hole Malibu Golf Club in the unincorporated Malibu area of Los Angeles County. The Project would provide for the development of educational and meeting facilities associated with the University of Southern California, overnight visitor-serving accommodations in 40 bungalows, a warehouse, a cart storage building, a clubhouse with a spa and pool, a pro shop, and a maintenance building. The Project would allow the continued public use of a remodeled 18-hole golf course, improved with an environmentally superior design.

The Project would incorporate many “green” features. All development would occur in areas previously disturbed by construction and operation of the existing golf course. By clustering development of the buildings and accommodations on approximately 20 acres and the remodeled golf course on 107 acres in the southern portion of the 650-acre property, over 450 acres of native coastal scrub and chaparral, including oak woodland forest, would be left undisturbed and become permanently dedicated open space. The Institute building, which would contain the educational and meeting facilities, would use the building footprint, foundation and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a “smart” irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. The buildings and accommodations would incorporate sustainable and green design with the goal of achieving LEED™ Platinum certification (or equivalent) for all buildings on the property. The Project would use photovoltaic panels over shade structures in the expanded surface parking area to generate most of the energy needs for the Project and would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with Dark Skies initiatives and the County’s Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

The Applicant requests an amendment of CUP No. 98-059-(3) and a new conditional use permit, pursuant to County Code sections 22.24.100, 22.40.220, and 22.56.040 to authorize the development of the Malibu Institute project and operation of a sports-oriented educational retreat facility on a 650-acre Project site containing an 18-hole golf course, educational and meeting facilities with a cafeteria and lounge, overnight visitor-serving accommodations for a maximum of 320 guests, a clubhouse with a restaurant/lounge and fitness/wellness center, an outdoor pool with associated shower/changing room, warehouse, a cart storage building, a pro shop, and a maintenance building.

The Applicant requests an amendment of CUP NO. 98-059-(3) and a new conditional use permit, pursuant to County Code section 22.56.040, to allow on-site accessory live entertainment in the clubhouse and conference facility.

The Applicant requests an amendment of CUP No. 98-059-(3) and a new conditional use permit, pursuant to Los Angeles County Zoning Code section 22.40.220, to allow on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced on-site.

The Applicant requests an amendment of CUP No. 98-059-(3) and a new conditional use permit, pursuant to County Code sections 22.40.220, 22.56.040 and 22.56.195, to allow the continued sale of alcoholic beverages for on-site consumption after development of the Project.

The Applicant requests an amendment of CUP No. 98-059-(3) and a new conditional use permit, pursuant to County Code section 22.40.220, to allow the continued use and operation of a helipad in a R-R zone.

The Applicant requests an amendment of CUP No. 98-059-(3) and a new conditional use permit, pursuant to County Code section 22.24.100 and 22.56.040, to allow the reconfiguration, continued operation, and maintenance of the existing golf course.

The following findings of fact are required pursuant to Los Angeles County Zoning Code sections 22.40.220 and 22.56.040, all of which are affirmatively proven:

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

The Project would be a natural extension of the existing outdoor golf course uses that have occurred on the property since the 1970s, and would allow the golf course to continue to be open to the public. The 18-hole golf course and its appurtenant facilities, including the clubhouse and the restaurant, are currently permitted by Conditional Use Permit No. 98-059-(3). The Project would create an educational retreat, with educational and meeting facilities associated with the University of Southern California, overnight accommodations in 40 bungalows, a new clubhouse with a spa and pool, and a re-configured 18-hole public golf course at the property.

The Malibu Institute and appurtenant amenities would be clustered on 20 acres in the southern portion of the 650-acre property in a 145-acre area subject to significant previous disturbance for development and operation of the existing 18-hole golf course. The remodeled 18-hole golf course would cover 107 acres of the existing 118-acre golf course. By clustering development on the southern portion of the property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area (ESHA), as permanently dedicated open space.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total property) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the

property, areas which are highly disturbed from their natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the property.

The entire 650-acre property contains 29 legal parcels. Rather than proposing residential estate development on each of these parcels, which would require removal of ESHA for not only the development of the separate, individual residential estates, but also larger fuel modification buffers, the Project would develop a retreat, with buildings clustered on just 20 previously disturbed acres or three percent of the property. The Project's clustered development on the southern portion of the property would leave over 450 acres of permanently dedicated open space, an outcome not achievable with a residential estate development based on the current entitlements and legal parcels.

The Malibu Institute and appurtenant amenities would be separated from other developments on the north, south, east and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the development area is within the low-lying areas of the property, the proposed buildings would not affect views from nearby residential areas.

The Project would be located so as to not significantly impact views and significant natural terrain features associated with Encinal Canyon Road and Mulholland Highway. The Project would be designed in a manner to be compatible with the natural environment and blend with the existing natural contours and topography of the surrounding area.

The Project would be designed to provide state-of-the-art conference and educational facilities with high-quality accommodations constructed in a manner that would blend with the surrounding environment and minimize any adverse impact to the natural environment. The buildings would be designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function, and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. The Institute building would use the building footprint, foundation and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a "smart" irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. Design features also would include green roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, the use of highly efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. Water conservation and design

features would include low flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems. The Project would incorporate a recycling program as part of its operations as well as additional sustainability features from the County's Green Building Ordinance, Low Impact Development Ordinance, and Drought Tolerant Landscaping Ordinance. In particular, the majority of the proposed buildings would be constructed with the goal to achieve LEED™ Platinum Certification (or equivalent). Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots and covered with photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. The Project would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with Dark Skies initiatives and the County's Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

The Project would balance all grading on-site, thereby minimizing adverse impacts to the surrounding area traffic and circulation system. The Project would incorporate mitigation measures to ensure that all potential air quality and noise impacts caused by the Project, both short-term and long-term, would be minimized.

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute.

Finally, the Project site has used a helipad for many years without complaint from neighboring property owners or public authorities. The proposed new helipad location is preferred by the Los Angeles County Fire Department and would improve firefighting efforts for the Project and the surrounding area.

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

The Project would be a natural extension of the existing outdoor golf course uses that have occurred on the property since the 1970s, and would allow the golf course to continue to be open to the public. The 18-hole golf course and its appurtenant facilities, including the clubhouse and the restaurant, are currently permitted by Conditional Use Permit No. 98-059-(3). The Project would create an educational

retreat, with educational and meeting facilities associated with the University of Southern California, overnight accommodations in 40 bungalows, a new clubhouse with a spa and pool, and a re-configured 18-hole public golf course at the property.

The Malibu Institute and appurtenant amenities would be clustered on 20 acres in the southern portion of the 650-acre property in a 145-acre area subject to significant previous disturbance for development and operation of the existing 18-hole golf course. The remodeled 18-hole golf course would cover 107 acres of the existing 118-acre golf course. By clustering development on the southern portion of the property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area (ESHA), as permanently dedicated open space.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total property) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the property, areas which are highly disturbed from their natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the property.

The entire 650-acre property contains 29 legal parcels. Rather than proposing residential estate development on each of these parcels, which would require removal of ESHA for not only the development of the separate, individual residential estates, but also larger fuel modification buffers, the Project would develop a retreat, with buildings clustered on just 20 previously disturbed acres or three percent of the property. The Project's clustered development on the southern portion of the property would leave over 450 acres of permanently dedicated open space, an outcome not achievable with a residential estate development based on the current entitlements and legal parcels.

The Malibu Institute and appurtenant amenities would be separated from other developments on the north, south, east and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the development area is within the low-lying areas of the property, the proposed buildings would not affect views from nearby residential areas.

The Project would be located so as to not significantly impact views and significant natural terrain features associated with Encinal Canyon Road and Mulholland Highway. The Project would be designed in a manner to be compatible with the natural environment and blend with the existing natural contours and topography of the surrounding area.

The Project would be designed to provide state-of-the-art conference and educational facilities with high-quality accommodations constructed in a manner that would blend with the surrounding environment and minimize any adverse impact to the natural environment. The buildings would be designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function, and architectural character, with the intent of complementing the

surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. The Institute building would use the building footprint, foundation, and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a “smart” irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. Design features also would include green roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, the use of highly efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. Water conservation and design features would include low flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems. The Project would incorporate a recycling program as part of its operations as well as additional sustainability features from the County’s Green Building Ordinance, Low Impact Development Ordinance, and Drought Tolerant Landscaping Ordinance. In particular, the majority of the proposed buildings would be constructed with the goal to achieve LEED™ Platinum Certification (or equivalent). Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots using photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. The Project would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with Dark Skies initiatives and the County’s Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

The Project would balance all grading on-site, thereby minimizing adverse impacts to the surrounding area traffic and circulation system. The Project would incorporate mitigation measures to ensure that all potential air quality and noise impacts caused by the Project, both short-term and long-term, would be minimized.

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute.

Finally, the Project site has used a helipad for many years without complaint from neighboring property owners or public authorities. The proposed new helipad location is preferred by the Los Angeles County Fire Department and would improve firefighting efforts for the Project and the surrounding area.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed grading and engineering for the Project would ensure public safety in the Project's construction and operation. The proposed structures would not be located in areas characterized by unstable geologic conditions. The Project site is not located within any Alquist-Priolo Special Studies Zone. According to the General Plan, the property is within a landslide area; however, implementation of the recommendations contained in the Project's geotechnical report and compliance with the Los Angeles County Building Code would reduce slope stability impacts to a less than significant level. The Project would employ contour grading techniques to smoothly transition manufactured slopes back into the natural contours of adjacent undisturbed areas. The Project would incorporate mitigation measures to minimize all potential air quality and noise impacts caused by the Project, both short-term and long-term.

The Project would implement water quality and flood control measures, including on-site storm drains and bio-swales, to contain and convey storm runoff from the developed areas of the Project. During construction, the Project would implement Best Management Practices (BMPs), including erosion control and sediment control devices, to reduce runoff and erosion. Further, the Project would transform mostly disturbed portions of the property with enhanced native, drought-tolerant landscaping that would blend with the surrounding environment. The property is not located within the 100-year flood plain established by the Federal Emergency Management Agency or the County's 50-year capital flood zone.

The Project would maximize fire safety. It would implement a fuel modification plan to minimize the risks of wildfires. The plan would establish buffer zones around the proposed structures and would dictate the types of vegetation allowed within the buffer zones. The plan also would include additional requirements regarding the removal of brush and dead plant materials, removal of non-native plant species, and periodic maintenance of the buffer zones. All structures within the Project would be located along paved, all-weather and accessible roads. Finally, the existing helipad would be relocated to an area preferred by the Los Angeles County Fire Department to improve firefighting capabilities for the Project and the surrounding properties.

Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation. All required parking would be provided on-site at pervious surface parking lots near the entrance to the property.

The Project would be located so as to not significantly impact views and significant natural terrain features associated with Encinal Canyon Road and Mulholland Highway. It would be designed in a manner compatible with the natural environment and blend with the existing natural contours and topography of the surrounding area. The Project's landscaping would comply with the County's Drought Tolerant Landscaping Ordinance and would harmonize with the natural flora of the surrounding landscape.

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

The Project would balance all grading on-site, thereby minimizing adverse impacts to the surrounding area traffic and circulation system. The Project would incorporate mitigation measures to ensure that all potential air quality and noise impacts caused by the Project, both short-term and long-term, would be minimized.

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute.

Finally, the Project site has used a helipad for many years without complaint from neighboring property owners or public authorities. The proposed new helipad location is preferred by the Los Angeles County Fire Department and would improve firefighting efforts for the Project and the surrounding area.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The Project would comply with County development standards. It would comply with the requirements of the Zoning Ordinance related to yards, walls, fences, parking and loading facilities, landscaping, and other development features. All fences would conform to County requirements and the Project's landscaping would comply with the requirements of the County's Drought Tolerant Landscaping Ordinance.

The Malibu Institute and appurtenant amenities would be clustered on 20 acres in the southern portion of the 650-acre property in a 145-acre area subject to significant previous disturbance for development and operation of the existing 18-hole golf course. The remodeled 18-hole golf course would cover 107 acres of the existing 118-acre golf course. By clustering development on the southern portion of the

property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area (ESHA), as permanently dedicated open space.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total property) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the property, areas which are highly disturbed from their natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the property.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and

The Malibu Institute would be located at 901 Encinal Canyon Road. Encinal Canyon Road is an improved east-west secondary highway which runs through the community of Malibu. Access to the property is available from Encinal Canyon Road via Mulholland Highway off the 101 Freeway or via Encinal Canyon Road, Decker Canyon Road, or Kanan Dume Road off of Pacific Coast Highway.

Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation. All required parking would be provided on-site at previous surface parking lots near the entrance to the property.

All structures would be located along paved, all-weather, and accessible roads. The Project would provide fire lane access of at least twenty feet throughout the development area.

The low-intensity design plan would preserve the surrounding environment and minimize traffic impacts by providing overnight accommodations to guests of the Malibu Institute and golf course events within the Project site.

2. By other public or private service facilities as are required.

Central to the development concept for the Project are sustainability features that would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions. The Institute building would use the building footprint, foundation and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a “smart” irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. Design features also would include green roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, the use of highly efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. Water conservation and design

features would include low flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems. The Project would incorporate a recycling program as part of its operations as well as additional sustainability features from the County's Green Building Ordinance, Low Impact Development Ordinance, and Drought Tolerant Landscaping Ordinance. In particular, the majority of the proposed buildings would be constructed with the goal to achieve LEED™ Platinum Certification (or equivalent). Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots using photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. The Project would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with Dark Skies initiatives and the County's Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

Utility, water, and public safety services would be available to the Project without imposing any additional costs to the community. Existing utility and water providers and public safety agencies would have the capacity to serve the Project without any significant burden on the utilities and without creating deficiencies in service to adjacent residential areas. The Project would include the construction and use of a new water tank and associated water line to replace the existing 100,000 gallon water tank to service the water needs for domestic use and fire-fighting purposes for the Project and the surrounding area.

Additional Findings Required for Alcoholic Beverage Sales for On-Site Consumption

The following findings of fact are required pursuant to Los Angeles County Zoning Code section 22.56.195, all of which are affirmatively proven:

- A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.**

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute. Further, no schools, places of religious worship, or playgrounds are located within 600 feet of the property. The Malibu Institute and appurtenant amenities are separated from other developments and uses on the north, south, east and west by rugged terrain and steep hillsides thereby limiting any off-site effect of consumption of alcoholic beverages on-site.

- B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.**

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. The Malibu Institute and appurtenant amenities are separated from other developments on the north, south, east, and west by rugged terrain and steep hillsides. Some residential estates are located near the property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the use of the property is within the low-lying areas of the property, no view of alcoholic beverage consumption at the site from nearby residential areas would exist. The landscaping for the project would provide a buffer between the property and Encinal Canyon Road.

- C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.**

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute.

Further, no other premises within 2,500 feet of the property serves alcoholic beverages to the public.

- D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.**

Service of alcoholic beverages on-site has been allowed on the property for over twenty years and has not triggered complaints from the neighbors or public authorities. Consumption of alcoholic beverages only would be permitted on-site to guests of the Malibu Institute and members of the public enjoying the golf course or ancillary facilities of the Malibu Institute.

No similar uses surrounding the property serve alcoholic beverages to the public, limiting any possible adverse economic effect to the surrounding community.

- E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.**

The Malibu Institute and appurtenant amenities are separated from other developments on the north, south, east, and west by rugged terrain and steep hillsides. Some residential estates are located near the

property's western border; however, these estates are separated from activities on the property by rugged terrain and often steep sloping hillsides, and are approximately one half mile from the development area. As the development area is within the low-lying areas of the property, the proposed buildings would not affect views from nearby residential areas. The landscaping for the Project would provide a buffer between the property and Encinal Canyon Road.

The Project would be located so as to not significantly impact views and significant natural terrain features associated with Encinal Canyon Road and Mulholland Highway.

The Project would be designed to provide state-of-the-art conference and educational facilities with high-quality accommodations constructed in a manner that would blend with the surrounding environment and minimize any adverse impact to the natural environment. The buildings would be designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees.

Burden of Proof for Parking Permit
Project No. TR071735
Parking Permit No. 201100005
The Malibu Institute

Background

The Applicant proposes to develop the Malibu Institute, a sports-oriented educational retreat affiliated with the University of Southern California, to complement a remodeled 18-hole golf course on a 650-acre property currently operated as the 18-hole Malibu Golf Club in the unincorporated Malibu area of Los Angeles County. The Project would provide for the development of educational and meeting facilities, overnight visitor-serving accommodations in 40 bungalows, a warehouse, a cart storage building, a clubhouse with a spa and pool, a pro shop, and a maintenance building. The Project would allow the continued public use of a remodeled 18-hole golf course, improved with an environmentally superior design and would provide 387 on-site surface parking spaces.

The Project would incorporate many “green” features. All development would occur in areas previously disturbed by construction and operation of the existing golf course. By clustering development of the buildings and accommodations on approximately 20 acres and the remodeled golf course on 107 acres in the southern portion of the 650-acre property, over 450 acres of native coastal scrub and chaparral, including oak woodland forest, would be left undisturbed and become permanently dedicated open space. The Institute building, which would contain the educational and meeting facilities, would use the building footprint, foundation and infrastructure of the existing clubhouse and cart barn. The remodeled 18-hole golf course would use a “smart” irrigation system and drought-tolerant grasses and native vegetation, which would use 32% less water than the existing golf course. As part of the golf course remodel, the Project would remove 1,590 non-native trees, including palm trees, and plant only native, drought-tolerant trees within the remodeled areas around the golf course. The Project would replace over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. The buildings and accommodations would incorporate sustainable and green design with the goal of achieving LEED™ Platinum certification (or equivalent) for all buildings on the property. The Project would use photovoltaic panels over shade structures in the expanded surface parking area to generate most of the energy needs for the Project and would replace existing outdoor overhead parking lot lighting, which currently can be seen from off-site, with lighting complying with Dark Skies initiatives and the County’s Rural Lighting Outdoor Lighting District Ordinance. Finally, the Project would remove multiple septic tanks throughout the property and install an on-site wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

The County Code would require the following parking for the Project:

Proposed Use	Square Feet (GSF)	Spaces/Square Footage	Required Parking
Information Building	120 sq. ft.	1/250 sq. ft.	1
Malibu Institute	48,164 sq. ft.	1:3 occ, based on 193	64

		occupant load	
Cart Storage	9,162 sq. ft.	1:2 full-time employees	1
Warehouse	4,623 sq. ft.	1/1000 sq. ft	5
Clubhouse	30,147 sq. ft.	1:3 occ, based on 121 occupant load	40
Golf Course (18 holes) with Pro Shop and Grill/Snack Shop	12,104 sq. ft.	10/each hole	180
Maintenance Building	10,500 sq. ft. (12 employees)	1:2 full-time employees	6
40 Guest Bungalows	160 rooms 109,140 sq. ft.	1 per 2 guestrooms	80
Total Spaces			377

Pursuant to Los Angeles County Zoning Code section 22.56.990, projects proposing a parking arrangement different than the parking requirements of County Code section 22.52 require a parking permit. Although the Malibu Institute would satisfy Code-required parking for the entire Project, in order to cluster the buildings in the southern portion of the 650-acre property and allow the dedication of over 450 acres of permanent open space, the Project can not satisfy Code-required parking on each respective lot, and, instead would provide shared parking between lots. Accordingly, the Applicant requests a parking permit to authorize the use of shared parking between lots on the property. No tandem or compact spaces are proposed to meet Code-required parking.

The following findings of fact are required pursuant to Los Angeles County Code section 22.56.1020, all of which are affirmatively proven:

- A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because:**
- 1. The age and/or physical condition of the residents is such that the use of an automobile is unlikely; or**
 - 2. The nature of the use is such that there is a reduced occupancy; or**
 - 3. The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration; or**
 - 4. Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or alternative may be waived for certain housing developments for senior citizens and persons with disabilities, where the Director finds that it is unnecessary because of the anticipated permanent nature**

of such use. If required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed; or

- 5. The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces otherwise required under Section 22.52.1225**

The Project would provide parking as required by County Code; however, the demand for parking would be less than Code requirements due to the nature of the proposed uses at the Malibu Institute. The strict interpretation of the County Code would require a certain number of parking spaces for each use on a lot at the property, even though the same people would be engaging in the those uses on the property. For example, the people using the Malibu Institute conference center would be the same people residing in the guest bungalows. All parking would be located on pervious surface parking lots containing a total of 387 parking spaces within the property. Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots using photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. Accordingly, the proposed parking would have no effect on the circulation or parking in the surrounding area.

Shared parking would be used to provide parking for all uses proposed at the property. When there are major events at the Malibu Institute, the Project proposes the use of valet services, if necessary, to handle overflow parking for these events. The valet parking attendants would supervise any shared parking when in use to ensure easy ingress and egress of employees, independent contractors and visitors from those spaces. No tandem or compact parking spaces would be required for the Project.

- B. That there will be no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces because:**
- 1. Uses sharing vehicle parking facilities operate at different times of the day or days of the week; or**
 - 2. Vehicle parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan; or**
 - 3. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowner's association to assure an efficient distribution of all parking spaces**

The Project would provide parking as required by County Code; however, the demand for parking would be less than Code requirements due to the nature of the proposed uses at the Malibu Institute. The strict interpretation of the County Code would require each of the uses at the Malibu Institute to provide a certain number of parking spaces for each use on a lot, even though the same people would be using the different uses on the property. For example, the people using the Malibu Institute meeting rooms would be the same people using the guest bungalows. All parking would be located on pervious surface parking lots containing 387 parking spaces within the property. Pervious pedestrian, bicycle, and

electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots using photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. Accordingly, the proposed parking would have no effect on the circulation or parking in the surrounding area.

Shared parking would be used to provide parking for all uses proposed at the property. When there are major events at the Malibu Institute, the Project proposes the use of valet services, if necessary, to handle overflow parking for special events. The valet parking attendants would supervise any shared parking when in use to ensure easy ingress and egress of employees, independent contractors and visitors from those spaces. No tandem or compact parking spaces would be required for the Project.

C. That off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential vehicle parking spaces will provide the required parking for uses because:

- 1. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use, or**
- 2. Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces, or**
- 3. Such transitional lots are designed to minimize adverse effects on surrounding properties, or**
- 4. Uncovered parking for low and moderate income residential development will be appropriately screened and compatible with the surrounding neighborhood;**

The Project would provide parking as required by County Code; however, the demand for parking would be less than Code requirements due to the nature of the proposed uses at the Malibu Institute. The strict interpretation of the County Code would require each of the uses at the Malibu Institute to provide a certain number of parking spaces for each use on a lot, even though the same people would be using the different uses on the property. For example, the people using the Malibu Institute meeting rooms likely would be the same people using the guest bungalows. All parking would be located on pervious surface parking lots containing 387 parking spaces within the property. No tandem or compact parking spaces would be required for the Project. Accordingly, the proposed parking would have no effect on the circulation or parking in the surrounding area.

D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.

The Project would provide parking as required by County Code; however, the demand for parking would be less than Code requirements due to the nature of the proposed uses at the Malibu Institute. The strict interpretation of the County Code would require each of the uses at the Malibu Institute to

provide a certain number of parking spaces for each use on a lot, even though the same people would be using the different uses on the property. For example, the people using the Malibu Institute meeting rooms likely would be the same people using the guest bungalows. All parking would be located on pervious surface parking lots containing 387 parking spaces within the property. The 387 spaces are more than the Code-required 377 parking spaces and will be adequate to serve the uses at the property.

Pervious pedestrian, bicycle, and electric cart pathways would be provided throughout the development area to enhance non-motorized circulation, and get guests out of their cars as soon as they arrive at the Malibu Institute. All required parking would be provided on-site at pervious surface parking lots using photovoltaic panels over shade structures in the parking area to generate most of the energy needs for the Project. Accordingly, the proposed parking would have no effect on the circulation or parking in the surrounding area.

E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22

The site would be sufficiently large for the Project. The Project's structures would be located on 20 acres of the larger 650-acre property, which is more than adequate to accommodate the Project and any yards, walls, fences, parking and loading facilities, landscaping and other development features. The clustering of developed structures on 20 acres and the remodeled golf course on 107 acres in the southern and central portions of the property would allow the dedication of over 450 acres of the Project site as permanent open space.

The Project would comply with County development standards. To ensure there is ample parking, the Project would provide 387 parking spaces, which would be a sufficient number of spaces to accommodate the proposed uses and more than the 377 parking spaces required by the Los Angeles County Code.

County Plan Designations

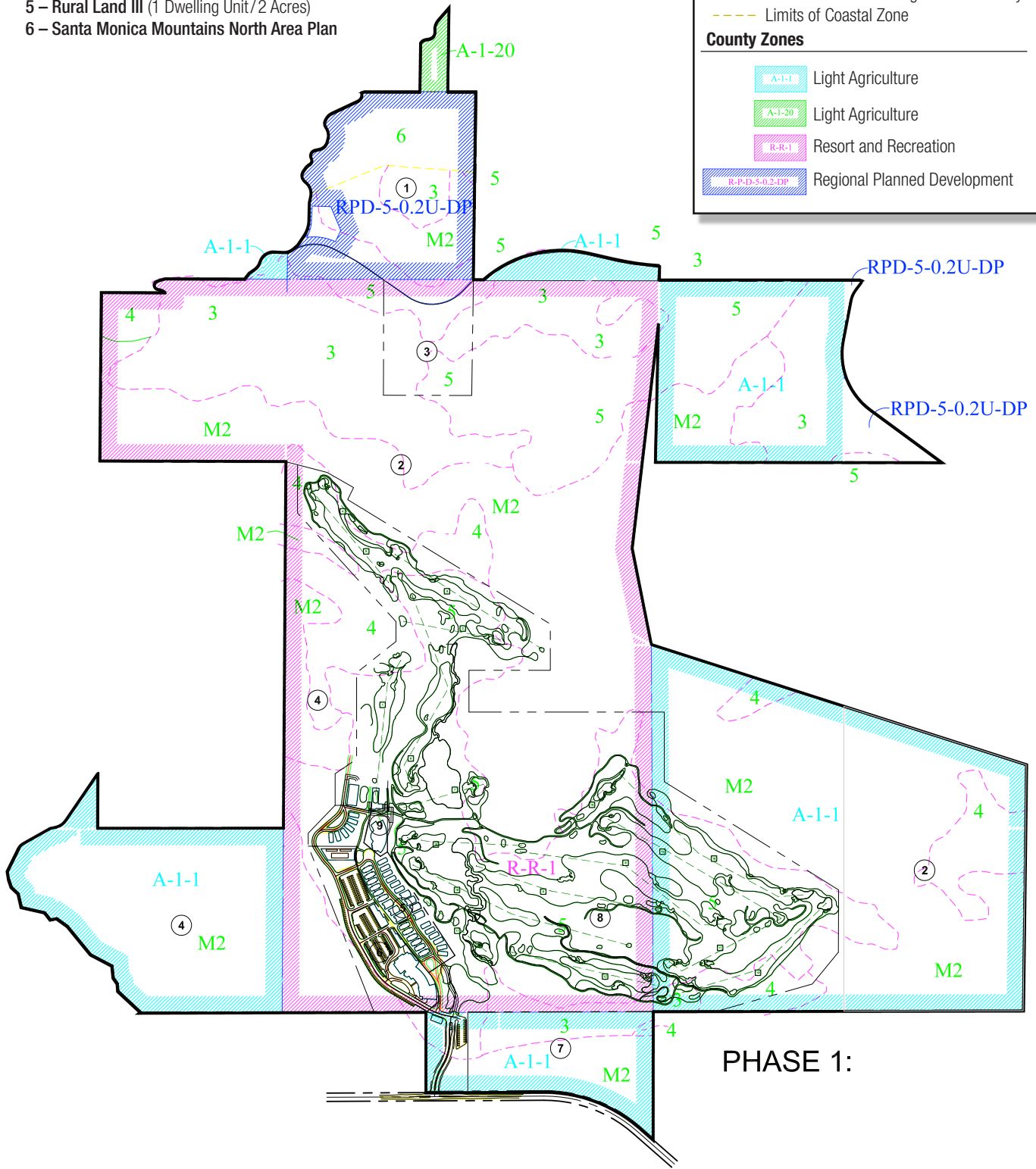
- M2 – Mountain Land** (1 Dwelling Unit/20 Acres)
3 – Rural Land I (1 Dwelling Unit/10 Acres)
4 – Rural Land II (1 Dwelling Unit/5 Acres)
5 – Rural Land III (1 Dwelling Unit/2 Acres)
6 – Santa Monica Mountains North Area Plan

Legend

- Property Boundary
 - - - Proposed Lot Lines
 - - - Coastal Land Use Designation Boundary
 - - - Limits of Coastal Zone

County Zones

- A-1-1 Light Agriculture
 A-1-20 Light Agriculture
 R-R-1 Resort and Recreation
 RPD-5-0.2U-DP Regional Planned Development



Source: LRS Architects, Inc., 2012.



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

HEARING EXAMINER STAFF SUMMARY

**COUNTY PROJECT NO. TR071735-(3)
VESTING TENTATIVE TRACT MAP NO. TR071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL REVIEW NO. 201100192**

PROJECT DESCRIPTION

The applicant, Malibu Institute, is proposing to remodel an existing 18-hole golf course and develop a sports-oriented educational retreat affiliated with the University of Southern California on a 650-acre property currently operated as the Malibu Golf Club in the unincorporated Malibu area of Los Angeles County. The proposed Malibu Institute Project ("Project") site is located at 901 Encinal Canyon Road, within the Malibu unincorporated area of Los Angeles County.

The Project's components include the development of educational and meeting facilities in which educational institutions, businesses, or other organizations could conduct seminars, conferences, and other events. The Project components also includes the development of visitor-serving overnight accommodations with 40 bungalow units with four bedrooms per unit, for a total of 160 bedrooms with a maximum occupancy of two persons per room or 320 overnight guests. Other amenities to be provided for guests includes a clubhouse featuring dining and lounge facilities as well as a fitness and wellness center, an outdoor swimming pool with a poolside shower and changing room, and a golf pro-shop and grill/snack shop. The dining facility and golf-related amenities would be available to the visiting public as well as those staying in the overnight accommodations. The Project also proposes to develop associated support facilities necessary for the upkeep and operation of the development, including a maintenance building, a golf cart storage barn, a warehouse, and a security/information building. In total, the Project proposes to construct a combined 224,760 square feet of structures, which would reuse the building footprint of the existing 12,475-square foot clubhouse and cart barn for the proposed educational and meeting facilities of the Malibu Institute building, and also remove 11,160 square feet of existing structures, including maintenance sheds associated with the Malibu Golf Club and an abandoned residential building located in the northern portion of the Project site.

The Project also includes the following infrastructure improvements: 1) replacing existing septic tanks with an onsite wastewater treatment/water recycling facility, 2) installing domestic use water supply pressure-reducing valve improvements to provide adequate water pressure, and 3) relocating an existing, unpaved, emergency use helicopter landing pad to a more central portion of the golf course as approved by the Los Angeles County Fire Department. The relocated helicopter landing pad would be provided with a water hydrant for filling firefighting helicopters, and would be on a

relatively flat area that would not be graded or otherwise disturbed, with the exception of occasional mowing for maintenance. An existing 875-square foot guesthouse located on the northern portion of the property along Mulholland Highway would be retained by the Project for use as a caretakers' residence. At completion, the Project would result in a total net increase of 201,125 square feet of structures on the Project site.

The remodel of the existing 18-hole public golf course includes the replacement of over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. The Project would also remove many non-native trees, including palm trees, which were introduced with development of the existing golf course, and provide landscaping with native, drought-tolerant species. These measures would reduce water consumption for irrigation of the golf course by approximately 32 percent. The Project would also eradicate non-native aquatic species in the man-made ponds onsite and improve water quality in the portion of Trancas Canyon Creek leaving the Project site.

The Project site is comprised of an irregularly shaped assemblage of 29 parcels that total approximately 650 acres, spanning from Encinal Canyon Road on the south to the intersection of Mulholland Drive and Westlake Boulevard on the north. As part of the Project, the existing 29 parcels would be consolidated into 7 lots as part of a tentative tract map with 5 of those lots (456.16 acres) being dedicated as permanent open space. Much of the existing golf course area is planted with non-native and ornamental plant species. The remainder of the Project site consists of sloping terrains covered with native vegetation. Several areas adjacent to the golf course have been graded in the past in connection with various development phases of the golf course. Grading for buildout of the Project would occur within previously disturbed areas and would require approximately 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced on-site. No soil import or export is proposed. Project construction activities are expected to take place over a 24-month period, during which time the existing golf course and related facilities will be closed.

REQUIRED ENTITLEMENTS

- Vesting Tentative Tract Map No. 71735 to reconfigure the existing parcels and create a total of 7 lots over the 650-acre Project site with 2 lots containing the Project development and 5 lots dedicated as permanent open space.
- Conditional Use Permit No. 201100122 to authorize the following: development and operation of a sports-oriented educational retreat facility and a golf course (18-hole), educational and meeting facilities with a cafeteria and lounge, overnight visitor-serving accommodations for a maximum of 320 guests, a clubhouse with a restaurant/lounge and fitness/wellness center an accessory buildings; the continued sale of alcoholic beverages for on-site consumption; on-site accessory live entertainment in the clubhouse and conference facility; on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill; the relocation and operation of a helipad in the R-R zone for emergency use by LACFD; and the continued use of a caretaker's residence in the R-R zone.

- Parking Permit to authorize shared use of 387 parking spaces for guests, visitors, and employees associated with the proposed development on 2 lots within the Project boundary.
- Environmental Review No. 201100192. The Initial Study determined that an EIR was required. A Draft Environmental Impact Report has been prepared pursuant to CEQA reporting requirements.

LOCATION AND ACCESS

The Project site is located at 901 Encinal Canyon Road, within the unincorporated Malibu area of Los Angeles County. Regionally, the site is located in the western portion of the Santa Monica Mountains approximately forty-five miles west of downtown Los Angeles. Locally, the Project site is situated northwest of the City of Malibu, and south of the Cities of Agoura Hills, Calabasas, Thousand Oaks and Westlake Village in a rural area of the Santa Monica Mountains lying south of the primary east-west ridgeline. Portions of the site located south of Mulholland Highway also fall within the Coastal Zone as defined by the California Coastal Act. Adjacent land uses are primarily undeveloped private and public lands, much of which is open space, with some large lot rural residential development along the northern and western boundaries. A youth detention facilities operated by the Los Angeles County Probation Department (Camp Miller and Camp Kilpatrick) are located to the east of the Project site.

SITE DESCRIPTION

The Project site is comprised of an irregularly shaped assemblage of 29 parcels that total approximately 650 acres, spanning from Encinal Canyon Road on the south to the intersection of Mulholland Drive and Westlake Boulevard on the north. Development of the Project would occur only on six (6) of the 29 parcels that make up the Project site, and would include APNs 4471-001-034 and 035, 4471-002-010 and 011, 4471-021-034, and 4471-003-030. As part of the Project, the existing 29 parcels would be consolidated into 7 lots as part of a tentative tract map with five (5) of those lots (456.16 acres) being dedicated as permanent open space. The majority of the Project site is zoned R-R-1 (Resort and Recreation), with the portions to the north, east, southeast and south on the periphery of the Project site zoned either A-1-1 (Light Agriculture – 1 acre minimum lot size) or A-1-20 (Light Agriculture – 20 acres minimum lot size). Small portions of the Project site north of Mulholland Drive and the northeast area of the Project site are zoned RPD-5-0.2U-DP (Residential Planned Development – 5 acres minimum lot size – 0.2 dwelling units per acre – Development Program).

Existing development on the site consists of the Malibu Golf Club, constructed in the early 1970s, consisting of an 18-hole public golf course with supporting amenities, two surface parking lots, and associated driveways, all located in the central and southern regions of the Project site. Structural facilities that exist on the Project site as part of the Malibu Golf Club include a 12,475-square foot golf clubhouse with a restaurant and lounge. An associated maintenance structure and shed provide an additional 7,000 square feet of onsite development. There are also two structures on the Project site

beyond the limits of the proposed development area, consisting of a guest house currently used as a caretaker's residence for the Malibu Golf Club, and an abandoned residential structure (approximately 875 square feet and 4,160 square feet, respectively), for a total of 24,510 square feet of existing structural development on the property. The Project would retain the guest house as a caretaker's residence. The remainder of the existing structural development would be removed or replaced by components of the Project. The abandoned residence is in a state of disrepair and poses a potential hazard to trespassers from collapse or from health risks associated with rodent infestation, and, as such, the Project proposes to remove the structure due to safety and security concerns. An existing 100,000-gallon water tank that provides storage for irrigation water provided by onsite groundwater wells would remain and continue to serve the same purpose.

The existing development is provided potable water from Las Virgenes Municipal Water District (LVMWD) for domestic use and for irrigation of the golf course. The golf course irrigation is supplemented by six existing onsite wells. Wastewater treatment for the existing development is provided by onsite septic tanks.

Much of the golf course area is planted with non-native and ornamental plant species. The remainder of the Project site consists of lands with native vegetation on generally steeply sloped terrain to the north, east, and west. Several areas adjacent to the golf course have been graded and disturbed in the past in connection with various development phases of the golf course.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning ("Department") determined by way of an Initial Study and identified in the Notice of Preparation sent to agencies, that an Environmental Impact Report ("EIR") was necessary for the Project. The areas of potential environmental impact addressed in the Draft EIR ("DEIR") include the following:

- Aesthetic Qualities and Visual Resources
- Air Quality
- Biological Resources
- Cultural
- Geology
- GHG/Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services including Fire and Police
- Recreation
- Transportation/Traffic
- Utilities including Water Supply, Wastewater, Solid Waste and Energy

The following areas required no further environmental review as described in the Initial Study.

- Agriculture/Forest Resources
- Mineral Resources
- Population/Housing
- Public Services including Schools, Libraries and Other Public Services

As identified in the DEIR, after implementation of the required mitigation measures, the Project would result in no significant and unavoidable impacts to the environment. Following is a summary of the areas that have less than significant impacts to the environment after implementation of mitigation measures:

Aesthetic Qualities and Visual Resources

The visual impacts of the construction of new building and other structures in the Project site would be mitigated to less than significant with the use of color tones and/or textures that are compatible with the surrounding natural terrain in addition to the use of native landscaping to provide visual screening for the structures from public views.

Air Quality

The air quality impacts from fugitive dust during construction would be reduced and mitigated to less than significant by the implementation of a Construction Management Plan in compliance with AQMD standards.

Biological Resources

The impacts to the biological resources resulted from ground disturbing activities including the helipad and construction of a tee box and pathway would be mitigated to less than significant with the execution of pre-construction surveys and relocation plans to preserve and relocate special-status wildlife species such as the Trask shoulderband snail, coast horned lizard, western pond turtle, coast patched nosed snake, Roosting Bat, and special-status birds; and with the replacement of potential loss of the special-status plant species such as the Plummer's mariposa lily. Development and implementation of a pest and Invasive Species Management Plan would also preserve and restore the existing ponds and remove invasive plant and animal species.

Cultural Resources

The potential location of an archeological resource was identified within 100 feet of the 18th green. Even though no record of this resource exists, a protective fence would be installed and maintained surrounding the site and the impact would be less than significant. Archeological resources or human remains, if found at the property during construction activities, would be mitigated to less than significant with the implementation of proposed mitigation measures.

Hazards and Hazardous Materials

The Project would clean out the basins of onsite ponds and eradicate non-native species, including crayfish. While prior testing of the ponds did not indicate levels of contaminants above action level, mitigation measures would guarantee that State and local regulations are followed in case contaminants are found.

Hydrology/Water Quality

All grading associated with the implementation of the Project would take place within the disturbed areas of the existing development. Existing septic tanks throughout the Project site would be replaced by an on-site wastewater treatment system with effluent meeting Title 22 standards and other applicable requirements for reuse as irrigation for the remodeled gold course.

Noise

No mitigation measures are required for construction noise, however recommendations are added to further reduce the impacts. Amplified sound is currently used in the golf course to announce golf-related information. Outdoor amplified sound, music or PA would be limited to no later than 10:000 p.m. for the Project.

Public Services

The project would have to pay fees for Fire protection and comply with the Fire Code regulations to reduce cumulative impacts to less than significant.

Recreation

The Project includes recreation facilities, which impacts for construction and operations are addressed in the other sections mentioned in the DEIR. With the implementation of the mitigation measures impacts would be less than significant.

Transportation

The Project would be required to contribute to the cost of implementing intersection improvements for U.S. 101 Southbound ramps/Kanan Road to mitigate for the 4 percent of the 1,123 peak hour trips added to the intersection by the related projects. With implementation of mitigation measure, cumulative impacts to traffic and circulation would be less than significant.

Utilities/Services

The Project would implement a recycling program for the operational phase of the Project to manage solid waste generated by the Project and it would mitigate project impacts to solid waste to less than significant.

SUMMARY OF SIGNIFICANT ENVIRONMENTAL EFFECTS

There were no impacts associated with the Project determined in the DEIR to be significant and unavoidable after implementing the proposed mitigation measures.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Hearing Examiner Hearing by mail, newspaper, property posting, library posting and on the Department's website. Newspaper notices were published in The Malibu Times and La Opinion on December 5, 2013. Notices to property owners located within a 1,000-foot radius of the property boundaries, and to two local libraries, were mailed on December 5, 2013. Notices were verified to be posted on the subject property on December 12, 2013, and were made available on the Department's website on December 5, 2013. On December 5, 2013 a

Notice of Completion and Availability ("NOC/NOA") of a DEIR was posted at the County Recorder's office. On December 5, 2013 the NOC-NOA was sent by mail to required agencies including the State Clearing House and other interested parties. The NOC/NOA is also posted on the Project site and on the Department's website.

PREVIOUS CASES/ZONING HISTORY

The golf course accessory uses at the subject property are currently permitted by a Conditional Use Permit (CUP) issued by the County of Los Angeles. In 1999, Malibu Associates LLC obtained CUP No. 98-059 to authorize the continued operation of a golf course, clubhouse and appurtenant facilities including three caretaker's residences located on an irregular shaped 620-acre parcel. That CUP will expire on November 14, 2019. The current request seeks to continue the existing operation of the golf course and the additional uses necessary to implement the Project as requested.

STAFF EVALUATION

Project consistency with the County of Los Angeles General Plan and applicable local plan, compliance with the County Zoning Ordinance and development standards, neighborhood impact and land use compatibility, and evaluation of the applicant's ability to meet all requirements for a Vesting Tentative Tract Map, Conditional Use Permit and Parking Permit and corresponding burdens of proof as applicable, will be determined subsequent to the Hearing Examiner public hearing. The Hearing Examiner Public hearing is established primarily to receive public testimony on the merits of the Project as analyzed in the Draft EIR prior to Project consideration by the Regional Planning Commission ("Planning Commission") at a later date.

Project Issues

A number of development issues regarding the proposed project were raised by public agencies in response to the Notice of Preparation of an EIR and through the agency Screencheck DEIR review process. These issues have been addressed in the DEIR.

Several issues have been identified as areas of controversy through the public review process regarding the Initial Study/Notice of Preparation, Scoping Meeting, and the current DEIR public review. Comments include issues related to water quality and conservation of biological resources.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County Department comments and conditions will be finalized subsequent to the Hearing Examiner public hearing and prior to consideration by the Regional Planning Commission.

PUBLIC COMMENTS

Members of the Public

Five (5) members of the public provided written comments regarding the project at the time of this report (Attachment).

PROJECT NO. TR071735
VESTING TENTATIVE TRACT MAP NO. TR071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL REVIEW NO. 201100192

STAFF SUMMARY
PAGE 8 OF 8

Comments in Favor

Five (5) comments in favor of the project were received at the time of this report expressing overall support.

Comments Opposed

No comments opposed to the Project were received at the time of this report.

REMAINING PROCEDURES

Since the DEIR public comment period does not close until February 7, 2014, mitigation measures and draft conditions pertaining to the Project will be completed following the Hearing Examiner public hearing. Once the DEIR comment period closes, the Department will review public comments received, prepare responses to those comments, and draft the Final EIR and Mitigation Monitoring and Reporting Program. Staff will also prepare California Environmental Quality Act ("CEQA") Findings, draft Findings and Conditions pertaining to the Project related entitlements, and submit documentation to the Regional Planning Commission for consideration prior to the Regional Planning Commission hearing to be set at a future date.

Once the public hearing before the Planning Commission is scheduled and completed, the Planning Commission certifies or rejects the EIR and approves or denies the requested entitlements.

Prepared by: Carolina Blengini, Regional Planner Assistant II
Reviewed by: Samuel Z. Dea, Supervising Regional Planner

SZD:CSB
1/9/14

Law Offices of

BITA GOODMAN, ESQ

269 S. Beverly Drive #1057
Beverly Hills, CA 90212

(310) 721-4071
(310) 626-9782 fax

December 16, 2013

Ms. Carolina Blengini
Los Angeles County
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

RE: The Malibu Institute Project #201100192

Dear Ms. Blengini,

I live in Brentwood, but I frequent the Santa Monica Mountains often for hiking and biking. I have been following The Malibu Institute project for quite a while and have taken the time to read several sections of the Draft Environmental Impact Report (DEIR). In particular, I was very impressed with the very meaningful mitigations in the Biological Resources section.

The Applicant's removal of non-native trees, invasive species, and preservation of nearly 500 acres of permanently dedicated open-space is outstanding. I am also a big supporter of LEED's buildings and I applaud the Applicant for proposing a project that can be a model for future development.

I have been to the Malibu Golf Club on several occasions and I am quite familiar with the current golf course and its need for an overdue remodel. I support the Applicant's proposal and believe it will be a great asset to the local community and all of Los Angeles County.

Thank you for giving the community an opportunity to express our views.

Very truly yours,



Bita Goodman, Esq
Attorney At Law



ronnie semler's
Saddlerock Ranch

December 26, 2013

EIR Review No. 201100192

Ms. Carolina Blengini
Los Angeles County
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

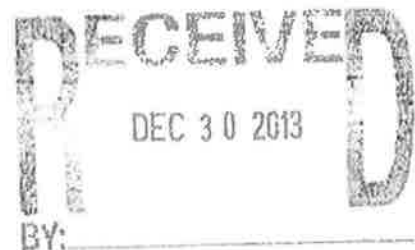
Dear Carolina,

I am writing specifically with regard to the above referenced application for our neighbors, the Malibu Golf Course. After reviewing the recent correspondence and details of the project, as well as what little we've heard from the developers, we believe it is a wonderful project and it is exactly what the area needs and we will certainly be a great help to support the very much needed overnight accommodations in that area, not to mention the continuation of the public golf course. We are thrilled and hopeful that this will absolutely be approved and see no reason why it should not, particularly since this is national recreation area. I just wanted to send you our letter confirming that we very strongly support the project and trust that you and all of your colleagues will certainly approve this well-designed project which contributes greatly to the entire area.

Thank you for considering our comments.

Very truly yours,

Ronald H. Semler,
President
Saddlerock Ranch, dba of the
Semler Companies Malibu



Carolina Blengini

From: AJ Ali [ajaliwins@gmail.com]
Sent: Sunday, January 05, 2014 1:24 PM
To: DRP Special Projects
Subject: The Malibu Institute

Categories: Sent to Consultant

January 5, 2014

Ms. Carolina Blengini

Los Angeles County

Department of Regional Planning

Special Projects Section, Room 1362

320 West Temple Street

Los Angeles, CA 90012

Dear Ms. Blengini:

I'm writing you in regards to The Malibu Institute (EIR Review number: 201100192).

I've had a longstanding relationship with the Malibu Golf Club and it has always been a positive experience. As an avid golfer, I love that there's an affordable public golf course in the Santa Monica Mountains, near my other activities. I've held numerous fundraisers there for the cancer-fighting charity my wife and I run. Everyone always has a great time and the setting truly lends itself to the wellness-oriented work that we do.

I want to give my wholehearted support for The Malibu Institute. It is a project that will help the local community as well as help leaders from all over the world to come to a greater understanding about wellness, eco-friendly living and other positive things. The owners have proven themselves to be highly skilled at creating world-class environments that are financially viable and sensitive to local concerns. As Malibu continues to grow and evolve, I believe that The Malibu Institute will become a signature property, including many elements that will make the Malibu area an even better place to live, work and play.

Best regards,

A.J. Ali

--

My best,

A.J. Ali

Writer | Producer | TV Host

443-463-5009

www.ontheteewithajali.com

Carolina Blengini

From: Matt Horns [getplanted.native@gmail.com]
Sent: Thursday, January 09, 2014 3:30 PM
To: DRP Special Projects
Subject: Malibu Institute

Dear Ms. Blengini,

Regarding the Malibu Institute Project #201100192:

This issue is very dear to my heart. I began thoroughly exploring Trancas Canyon as a teen during the early 1970's. The canyon's beauty and natural abundance was a significant part of how I learned to appreciate nature and helped nudge me into a lifelong devotion to work to help heal Mother Earth.

When I first visited Trancas Canyon the creek contained non-native fish and crayfish but still supported abundant populations of native California newts and western pond turtles. Since 1999 I have been privileged to work in pretty much all of the streams in the Santa Monica Mountains and have seen that these two species are now extirpated from almost all of their former range in this area. From what I understand, native newts and turtles in Trancas Canyon are now barely surviving and are in real danger of disappearing because of the presence of non-native fish and crayfish.

Most Human activities through history have been conducted with little or no regard to their impacts on native ecosystems. That changed dramatically starting the early 1970's due to Federal and State environmental laws. Human activities are now generally allowed as long as they don't cause too much environmental damage.

A new ethos is slowly emerging in development projects. A growing number of projects don't merely protect natural ecosystems, they actually enhance them. The most remarkable of these that I have experienced is the Arcata Marsh Project. This is a system of constructed wetlands that polish treated wastewater before it is discharged into Humboldt Bay. Built on a former garbage dump, Arcata Marsh is now one of the premier birdwatching places on Earth.

While the Malibu Institute is on a much smaller scale than Arcata Marsh, it shares in the spirit that human activity can help heal and enhance our ecosystems. I give this proposal my support.

Thank you,

Matt Horns

1040 South Westlake Avenue, Los Angeles, CA 90006

310-866-5718

getplanted.native@gmail.com

Carolina Blengini

From: Rodrigo Iglesias [rodrigoscience@gmail.com]
Sent: Wednesday, January 08, 2014 4:08 PM
To: DRP Special Projects
Subject: EIR Review # 201100192

Categories: Sent to Consultant

January 8, 2014
Ms. Carolina Blengini
Los Angeles County
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

RE: The Malibu Institute Proposed Project

Dear Ms. Blengini,

As a resident of Malibu, it is rare for me to write a letter of support for development in our community. However, I have finally found a proposal that meets my stringent criteria.

It is very clear that the project developer has taken the time to understand what sustainable development is all about and he has incorporated impressive protections into the design.

The following is just a few of the many extraordinary benefits of the proposed project:

- The project proposes to remove the numerous invasive species from the existing ponds that impact the Trancas Creek.
- The removal of over 200,000 Sq. Ft. of old impervious asphalt parking lots, driveways and cart paths and replace them with a pervious material benefiting the ground water condition.
- The removal of over 2000 non-native trees from the golf course and replanting native vegetation.
- The use of LEED's design to create sustainable energy efficient buildings.
- The removal of large outdoor lights and replacement with lighting that supports the Dark Sky Initiative.
- The creation of overnight accommodations and meeting space in the Santa Monica Mountains and the creation of new jobs.
- The voluntary preservation and permanent protection of nearly 500 acres of valuable open space without the need for one of agencies to purchase the property.
- The removal of existing septic systems and the replacement with a tertiary sewer treatment system which will help reduce nitrate loading of our groundwater.
- The introduction of solar arrays on the parking structure to produce a portion of the projects power.
- The redesign of the an existing golf course that will use less water in the future and correct the current environmental flaws in the design of the current course.
- The development is proposed 100% within the current developed area with minimal grading on areas that were previously graded.

This project brings great benefit to Malibu residents, helps the environment with minimal and has minimal impact.

Respectfully yours,

Rodrigo Iglesias
New Construction Director
310 699-3435
Hilton & Hyland
Exclusive Affiliate of Christie's International Real Estate
250 N. Canon Drive
Beverly Hills, CA 90210

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HEARING EXAMINER HEARING

MALIBU GOLF CLUB

MEETING PLACE: MALIBU GOLF CLUB

901 ENCINAL CANYON ROAD

MALIBU, CA 90263

TRANSCRIPT OF PROCEEDINGS

MALIBU, CALIFORNIA

THURSDAY, JANUARY 16, 2014

REPORTED BY:
DANA D. FORBES, CSR NO. 8095

DANA D. FORBES
COURT REPORTING
25766 ALTA DRIVE
VALENCIA, CA 91355
(661) 904-5117

1 Transcript of Proceedings, taken at 901 Encinal
2 Canyon Road, Malibu, California, commencing at 5:03 p.m.
3 on Thursday, January 16, 2014, heard before Paul
4 McCarthy, Hearing Examiner, reported by DANA D. FORBES,
5 CSR No. 8095.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES :

Heari ng Exami ner	Paul McCarthy
Staff	Sam Dea Rosie Rui z

<u>Publi c Speakers :</u>	<u>Page</u>
Thomas Hi x	12
Matthew Horns	26
Ti m Sull i van	27

I N D E X

PART I - PLEDGE OF ALLEGIANCE

1. Hearing Examiner

PART II - PUBLIC HEARING

Special Projects:

2. Project No. TR071 735- (3)
Applicant: Malibu Institute
901 Encinal Canyon Road
The Malibu Zoned District
 - a. Vesting Tentative Tract Map No. 071735
To reconfigure the existing parcels and create a total of 7 lots over the 650-acre Project site with 2 lots containing the Project development and 5 lots dedicated as permanent open space.
 - b. Conditional Use Permit No. 201100122
To authorize the following: development and operation of a sports-oriented educational retreat facility and a golf course (18-hole), educational and meeting facilities with a cafeteria and lounge, overnight visitor-serving accommodations for a maximum of 320 guests, a clubhouse with a restaurant/lounge and fitness/wellness center and accessory buildings; the continued sale of alcoholic beverages for on-site consumption; on-site accessory live entertainment in the clubhouse and conference facility; on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill; the relocation and operation of a helipad in the R-R zone for emergency use by LACFD; and the continued use of a caretaker's residence in the R-R zone.
 - c. Parking Permit No. 201100005
To authorize shared use of 387 parking spaces for guests, visitors, and employees associated with proposed development of 2 lots within the Project boundary.
 - d. Environmental Assessment No. 201100192
A Draft Environmental Impact Report has been prepared pursuant to CEQA report requirements

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PART III - PUBLIC COMMENT :

3. Public comment pursuant to Section 54954.3 of
the Government Code

PART IV - ADJOURNMENT

1 MALIBU, CALIFORNIA, THURSDAY, JANUARY 16, 2014

2 5:03 P.M. - 5:41 P.M.

3 ---oOo---

4
5 MR. MCCARTHY: Good evening. We're going to open
6 the hearing examiner meeting for the County of Los
7 Angeles Department of Regional Planning. The date, for
8 the record, is January 16, 2014, and we are meeting at
9 the Malibu Golf Club, 901 Encinal Canyon Road, Malibu,
10 California, 90263.

11 We will start the meeting with the Pledge of
12 Allegiance if everyone will stand.

13 (Pledge of Allegiance)

14 MR. MCCARTHY: Now, these proceedings deal with the
15 preparation of an environmental impact report, which is
16 required by the California Environmental Quality Act.
17 And that report has been distributed, and many of you
18 probably have had an opportunity to look at it.

19 And so this proceeding is to give you an
20 opportunity to comment on that report. Do you feel it's
21 a good report, an adequate report? Whatever your
22 comments are, this is your opportunity to speak.

23 We have a court reporter here, and we will be
24 taking down all of the testimony and that testimony will
25 be presented to a group that works on the Environmental

1 Impact Report, and they will be required to respond to
2 each and every comment that you submit here tonight.

3 Now, if you don't want to speak -- some people feel
4 a little uncomfortable speaking in public -- or if you
5 know a friend who couldn't make it tonight, they can
6 write us a letter. And the last day to comment would be
7 February 7. And the address is the Department of
8 Regional Planning, 320 West Temple Street, L.A., 90012.
9 And I suppose, if you attention that to Mr. Dea, it will
10 get to Mr. Dea's section, D-e-a.

11 Normally we have a pretty strict time limit of only
12 three minutes. Sometimes we've had as many as 100
13 people who wanted to testify in one evening. It doesn't
14 look like we have that kind of a large group tonight; so
15 we might be a little more lenient on the timeframe. But
16 most people get their comments completed within three
17 minutes. If you slip over, again, it doesn't look like
18 we're going to have a problem tonight.

19 We're going to start with a report from staff
20 member Sam Dea, who has been working on the project, to
21 give you an outline of what is really on the table
22 tonight, what the applicant is proposing. Mr. Dea?

23 MR. DEA: Thank you, Paul. My name is Samuel Dea.
24 I am the lead planner for this project that is known as
25 Malibu Institute. It's located at 901 Encinal Canyon

1 Road. The property is approximately 650 acres, and it's
2 currently developed with a golf course.

3 The entitlement requested by the applicant is a
4 Vesting Tentative Tract Map, a Conditional Use Permit, a
5 Parking Permit, and what's also under consideration is
6 an Environmental Impact Report to analyze the impacts of
7 the proposed development.

8 The project site is located in the unincorporated
9 area of Malibu that's south of the City of Westlake
10 Village and north of the City of Malibu.

11 The property is zoned Resort and Recreation, Live
12 Agricultural, Residential Planned Development, and the
13 land use designation for the subject property is
14 Mountain Land, Rural Land I, II, and III.

15 The proposed project component consists of
16 reconfiguring an existing 18-hole golf course, provide
17 visitor-serving overnight accommodations with 40
18 bungalows, an educational and meeting facility, a
19 clubhouse, a fitness and wellness center and outdoor
20 swimming pool, a golf pro shop with a restaurant, a cart
21 storage warehouse and maintenance building for the
22 operation and maintenance of the project.

23 Infrastructure improvements for this project
24 consist of an on-site wastewater treatment and water
25 recycling facility, also removal of non-native trees and

1 planting of native drought tolerant species and removal
2 of non-native aquatic species in the existing ponds on
3 the subject property and certain water quality
4 improvements on the property as well.

5 This is a couple visual simulations of what the
6 project will look like. On top is the existing view of
7 the project site from Encinal Canyon Road. The slide on
8 the bottom is a simulation of what the project would
9 look like with the proposed development.

10 The Draft Environmental Impact Report that has been
11 released for public comments looked at areas such as
12 aesthetic qualities and visual resources, air quality,
13 biological resources, cultural resources, geology,
14 greenhouse gas and climate change, hazards and hazardous
15 materials, hydrology and water quality, land use and
16 noise, public services including fire and police
17 protection, recreation, transportation and traffic,
18 utilities, impact to utilities including water supply,
19 waste water, solid waste, and energy.

20 The document looked at all these areas that I have
21 mentioned, and it found with the implementation of the
22 proposed mitigations, all the impacts that we looked at
23 including aesthetic qualities and visual resources, air
24 quality, biological resources, cultural resources,
25 hazards and hazardous material, hydrology and water

1 quality were found to be less than significant with the
2 proposed mitigation measures.

3 Areas also found to be less than significant with
4 the implementation of the mitigation includes noise,
5 public services, recreation, transportation, utilities,
6 and services. And what the EIR concluded with the
7 mitigation is these areas that have been analyzed will
8 not have -- as analyzed for the proposed development
9 will not create any significant impact to the
10 environment.

11 The document also points out areas that we did look
12 into and found not to be significant or have any impacts
13 that warrant further review and that includes
14 agricultural forestry resources and mineral resources,
15 population and housing, public services including
16 schools, libraries, and other type of similar public
17 services.

18 Just a brief history of the project site, the
19 existing golf course has been operating for quite
20 sometime. The last round of entitlement that the county
21 considered back in 1999 was to approve a Conditional Use
22 Permit to allow the continued operation of this golf
23 course along with the clubhouse and three caretaker
24 units located on the property.

25 Back in 2011 an application was received by the

1 county for the current land use request which includes
2 the reconfiguration of the golf course, and development
3 of the Institute consists of the combination overnight
4 accommodation and the conference building.

5 The county's currently going through the
6 entitlement process and the hearing examiner's part of
7 this public hearing process for this project.

8 Before I close the presentation, just a couple key
9 points about this project's planning process and what's
10 going on after this hearing.

11 So currently we have released the draft EIR for
12 public comments with a 60-day comment period starting
13 from December 9 to February 7, and we scheduled a
14 hearing examiner public hearing to take testimonies on
15 the document as well as the project itself. That's why
16 we're here today.

17 The next step is that once we get all of the
18 written comments as well as any verbal comments that you
19 are providing tonight, we will prepare a response to all
20 these comments.

21 And at some future point we will schedule another
22 public hearing before the Planning Commission for the
23 Planning Commission as a decision body to consider the
24 project entitlement and certification of the draft EIR.
25 And that concludes my presentation.

1 MR. McCARTHY: Very well. Thank you. How many
2 people here -- raise hands -- how many people here wish
3 to testify tonight? And we have the applicant's
4 representatives that are going to testify as well?
5 Everyone who is going to testify, please stand so I can
6 swear you in.

7 Please raise your right hand. Do you and each of
8 you swear or affirm under penalty of perjury that the
9 testimony you may give in the matter now pending before
10 this hearing examiner shall be the truth, the whole
11 truth, and nothing but the truth?

12 (All say yes.)

13 MR. McCARTHY: Please be seated. The applicant may
14 come forward if he desires to give a presentation. The
15 applicant has 15 minutes. I don't believe you will need
16 that. Thank you. Give us your name for the record and
17 spell it phonetically.

18 MR. HIX: Good evening. Tom Hix, H-i-x. I'm the
19 managing member of Malibu Associates, the ownership
20 entity. Thank you all for coming this evening. I'd
21 like to walk through a brief presentation of what we're
22 proposing. Some has been covered by Mr. Dea in his
23 presentation, but we'll highlight some of the areas from
24 our position.

25 As you all may know, we're part of the Santa Monica

1 Mountain National Recreation Area. We're located right
2 here. We're the headwaters of the Trancas Creek; so
3 everything that goes into the Trancas Creek begins on
4 our site.

5 We worked very closely with the National Park
6 Service for the last year and a half to deal with some
7 of the concerns that they had back in 1999 when the
8 project was going through its Conditional Use Permit.

9 We believe we've satisfied all their water quality
10 issues, and in addition to that they've agreed to accept
11 our open space dedication. We have a letter of
12 conditional acceptance from them for 500 acres of open
13 space that we'll be creating.

14 Historically on this location even predating the
15 golf course that has been here since the early 70's,
16 there was an old hunting lodge up on the upper portion
17 that still exists today. It's boarded up and pretty
18 much falling in on itself, built in 1928.

19 We've done all the historical analysis, and there's
20 really nothing of any significance because it's been
21 remodeled several times throughout the years. That
22 building will come down, and that will be part of our
23 open space.

24 Just below it there is a caretaker residence that
25 was built in 1914. That will remain, and that will be

1 part of the open space.

2 Our entity purchased the property in 2006. Since
3 then we've done some minor improvements. One of the
4 major issues here, I think, it was perceived to be a
5 private club. It was called Malibu Country Club. I
6 think it was a perception throughout the community that
7 it was private.

8 We changed the name to the Malibu Golf Club to make
9 certain everyone knew that it would be public, and it
10 will continue to be public in the new project as well.

11 One of the benefits of the project, we have 29
12 legal parcels as the property sits today spread out all
13 through the area that's green, and what we've proposed
14 is that we will go down to two development parcels. One
15 would be the golf course and one would be the
16 development area.

17 I believe there are five other parcels that would
18 be part of the open space so just under 500 acres of
19 permanent open space, and that's what we've been talking
20 with the National Park Service about taking over that
21 property. They were interested because we are, again,
22 the headwaters of the Trancas Creek; so this is their
23 watershed area.

24 We self imposed a boundary on ourselves when we
25 started this process. It's hard to see, but there's a

1 purple boundary that outlines the existing disturbed and
2 developed area of the property. The building we're in
3 right now is roughly right here. The rest of the
4 boundary is the existing golf course that's here. So
5 that's approximately 150 acres of the total 650-acre
6 site.

7 So as we began the process, we set out to stay 100
8 percent within that previously disturbed area; so none
9 of the proposed development that we're doing will be
10 outside that area.

11 It's a little hard to see on here, but the
12 development area, if we take out the first fairway which
13 is right in front of us outside this window, the eighth
14 green, the ninth green, and the first green -- that's
15 this area here -- so within that same 150-acre
16 development area that we pointed out earlier will be --
17 that takes that existing area from 10 acres to 20 acres
18 and also redesigning the entire new golf course dealing
19 with a lot of the environmental issues that have been
20 created from the previous design, most importantly some
21 of the ones that sit on the seventh hole -- seventh
22 green rather and the ninth green that currently drain
23 directly into the pond.

24 The old course was built with greens that are not
25 USGA standards; so they don't have the proper filtration

1 the new courses have today. So the new course will be
2 built with USGA greens and buffer areas and traps that
3 will collect any water that should happen to run off the
4 green before it goes into the pond. There are a couple
5 locations on site that exist today, and those will all
6 be corrected.

7 Here, again, is that 20-acre development bubble
8 again within the 150-acre current development area.
9 This is the existing seventh hole. You can see how this
10 drains. There's a drain right here actually that takes
11 any water that runs off the drain, it takes it directly
12 into the existing pond which, again, is the headwaters
13 of the Trancas.

14 All of the new course will have bioswales that
15 collect anything in addition to the greens being built
16 in a much more environmentally friendly way.

17 So, again, the redeveloped golf course is within an
18 area that is actually less than the current area. We
19 were able to configure a new 18-hole course that
20 actually picks up a couple hundred yards and is designed
21 to be a friendlier, more playable course than what's out
22 there today.

23 Part of that is by removing the 2,000 or so
24 non-native trees that exist out here today. That opens
25 up a few areas that allows us to expand the golf course.

1 We go from currently about 80 acres of irrigated turf
2 down to 60 acres of irrigated turf.

3 Again, a blowup of the development bubble, the
4 existing building we're in right now. We looked at
5 trying to utilize this building, and we've had two
6 options covered in our EIR. However, we're going for
7 LEED's platinum or something equivalent to that, and so
8 to try to utilize this building that's built with older
9 dated materials, it didn't work.

10 So we're using this footprint. Our new Malibu
11 Institute building will be here, which will be the
12 meeting space and restaurant, the 40 overnight bungalows
13 built on the first fairway and up on the existing
14 helicopter pad.

15 The existing parking lot is right here. The event
16 lawn that we have is right here, and this is our
17 existing maintenance facility. That's where the new
18 parking will be created, roughly 389 stalls.

19 And all three parking areas will be covered parking
20 for shade and on top of that cover will be solar rays
21 with the goal of getting close to net zero, if we can
22 get there currently, or about two thirds of our energy
23 is proposed from the solar on site.

24 We're looking at some solar air conditioning that
25 will also have a byproduct of heating our pool, and our

1 buildings will all have radiant heating; so the solar
2 will actually heat the radiant heating.

3 So this is the first hole is our current second
4 hole. At that location will be our pro shop. So for
5 daily fee golf, you'll come in here, check in, get a
6 golf cart, and drive up here.

7 On the first tee, which is our existing second tee,
8 will be a pro shop building with a grill. We don't have
9 a driving range currently today. And when we self
10 imposed that 150-acre boundary on ourselves of the
11 existing disturbed area, we didn't have an additional 10
12 acres to create a new driving range for the project; so
13 we came up with a very innovative solution to that.

14 We created eight internal bays inside this
15 building. Each of those will have a screen inside that
16 gives you incredible feedback, how far your ball would
17 have gone. It can also be set up like a driving range
18 or golf course of eight bays, there's two four-somes.
19 At night it can be used for training and golf lessons.

20 On top of this building utilizing the green roof on
21 this building -- by the way, I failed to mention that
22 all the other -- the majority of all the other buildings
23 will have green roofs on them. On this particular
24 building the green roof will also be the tee box for the
25 first hole.

1 From an environmental standpoint, we're fortunate
2 to be able to start with a project that, as you
3 mentioned previously, has been here for a long time. So
4 some of the things that were done in the past were done
5 incorrectly and we have an opportunity to correct those.

6 This particular site is a picture of Agoura Road.
7 This is the Hilton Foundation LEED's platinum building.
8 Similar to what they did, this will be the solar rays
9 that we'll create on top of the shaded parking
10 structures, and then we will remove all the existing
11 large lighting poles we have in the parking lot today.
12 Those will all come down, and we'll create lighting that
13 all complies with the dark sky initiative.

14 We'll have electrical vehicle chargers for
15 electrical cars. We'll also have a fleet of electrical
16 cars that may be rented for folks that come in on a bus
17 that we may pick up at the airport; so we'll have
18 electric cars that they can rent to go into Malibu or
19 other areas.

20 To obtain the LEED's platinum, it's a very lofty
21 goal. But to get there, it's all about the building
22 materials that you use.

23 One of the construction types we're looking at
24 right now is ICF block. These are recycled foam blocks
25 that are stacked on top of each other kind of like Legos

1 and then they're filled with concrete; so the R-factor
2 is very high. We'll have radiant heating in the floor
3 and, if we're successful with the solar cooling we're
4 looking at, there will be cooling coils in the ceiling,
5 all recycled material, no wood products other than
6 recycled wood.

7 Additionally, from an operational standpoint, we're
8 working with a group out of the Bay Area that creates
9 these waste recycling machines so all of the kitchen
10 waste that's created here on site will go 100 percent
11 into this unit here. It's about an eight-hour process,
12 and it takes it and dries it out and creates a mulch
13 that we can use on site.

14 Some of these areas here, if you can read these,
15 are air quality, water quality, all these different
16 aspects of the buildings, a lot of them are covered by
17 LEED's.

18 We're also working with Corning glass to look at
19 windows that actually you hit a button and they go dark;
20 so no need for curtains. You can set a timer, and the
21 windows will gradually open up in the heat in the
22 morning rather and have natural light to wake you up.

23 Fuel modification, we've worked very closely with
24 L.A. County Fire. The boundary that we have is also our
25 fuel modification boundary and working with them for the

1 proper types of planting, again, removing a lot of the
2 non-native trees that are out there today, the palm
3 trees and the pines that are pretty -- they're fire
4 hazards -- along with eucalyptus trees will be very
5 helpful to the fuel modification.

6 Obviously, drought tolerant planting for any of the
7 new planting that goes around the building or around the
8 golf course.

9 We have approximately 200,000 square feet of
10 asphalt out here today between our cart paths and our
11 parking lots.

12 Our parking lot currently drains directly into the
13 Trancas Creek with no filtration. So when we get rains,
14 it runs right down into the Trancas Creek.

15 We'll remove all of the asphalt and replace it with
16 permeable materials. Our cart paths will be something
17 of this nature here. We're working on a couple
18 different designs but a natural cart path with
19 collection basins that all go into bioswales; so major
20 improvements in our water quality.

21 As I mention water quality improvements, all the
22 areas will filter into bioswales on the golf course as
23 well as in the parking areas. This water will be reused
24 on our green roofs that will be on the majority of the
25 buildings. Some of the buildings will actually have

1 herb gardens, things like that that we can use in our
2 restaurant.

3 Obviously, all of Malibu or the majority of Malibu
4 is on septic systems today. Part of our water quality
5 issues probably have something to do with our old septic
6 systems that we have that are just below this building
7 here that unfortunately perk into the ponds the way that
8 it runs right now.

9 We'll correct that process. The septic systems
10 come out. We do a package plant on site, tertiary
11 water, pump that water up to the eastern portion of our
12 golf course, and it will be used on our golf course.
13 Roughly 10 to 15 percent of our water use for the golf
14 course will come from the treated plant.

15 The other golf course enhancements, there are a
16 couple areas in here where we'll remove the non-native
17 trees, replant those with oaks and sycamores. All the
18 palm trees come out, the pines, eucalyptus.

19 We retained Mountains Restoration Trust recently to
20 collect all of our acorns to start to grow all of our
21 own native stock. This spring we'll be doing the same
22 thing for the sycamore trees.

23 From a golf standpoint, big corrections in the
24 existing golf course quality. The system that's out
25 there for irrigation today is probably 35 to 40 percent

1 efficient. We'll be having the new state-of-the-art
2 irrigation systems that are getting close to 90 percent
3 efficiency. They have sensors that go into the ground
4 that detect exactly when the water is needed. We'll be
5 switching to a hybrid Bermuda grass for our turf, which
6 is a warm season grass, much better and much more
7 drought resistant than the current grass out here today;
8 switching to hybrid and electric mowing equipment to
9 reduce the noise and pollution from the existing gas
10 powered equipment. Again, the mulch that we create from
11 our kitchen together with our grass clippings will be
12 used on site.

13 Major improvements in water quality also in the
14 existing situation with invasive species. The ponds
15 that are out there today actually predate the golf
16 course and, as I pointed out earlier, the hunting lodge
17 that was here and fishing lodge, these ponds go back to
18 earlier in the 20's. It was actually Trancas Lakes.
19 This is a picture of a pond out there today. It's kind
20 of overgrown.

21 All of these species were taken out. We retained
22 Dr. Lee Kats from Pepperdine. We've been working with
23 him well over a year. These are actually pictures that
24 come from the pond itself. It's bass, catfish,
25 bluegill, mosquito fish, and this critter here,

1 Mississippi cray fish, which was used for baits. They
2 were the invasive species that would go downstream.
3 Again, we're the headwaters of the Trancas; so anything
4 that happens here leaves this site and creates problems
5 downstream in the Trancas.

6 So we worked with Dr. Kats to come up with a
7 program to drain these ponds, clean out the invasives,
8 and then restock them with native species, the newts and
9 the frogs that should be here along with the Western
10 pond turtle.

11 We have about seven Western pond turtles in the
12 ponds today that we've tagged. They're all mature 20-
13 to 25-year-old adults and no juveniles because of the
14 invasive species problem.

15 One of the things we can do with Pepperdine when
16 dealing with their students is actually create a living
17 laboratory that we can document all the things we can do
18 and correct the habitat situation that's here today.

19 We formed our own foundation in 2008, the Malibu
20 Institute Foundation. These are some of the entities
21 that we support currently. The goal will be to create
22 an ongoing revenue stream for community efforts.

23 A project that we did up in Bend, Oregon, several
24 years back, we created a foundation and over a five-year
25 period gave over a million and half away to local

1 communities . We plan to do that same thing here.

2 This kind of concludes the story. The concept,
3 we're taking a pretty tired asset that doesn't work
4 economically . This project is a real drain
5 economically . It's over a million-dollar-a-year
6 negative loss in its current situation.

7 We take that and make the environmental
8 improvements that we can do here, create close to 500
9 acres of permanent open space and it will potentially be
10 taken over by the national park.

11 Working with our educational zoning that we have on
12 site and working with USC, we're creating a program with
13 their USC Marshall School and their business institute
14 to work with some folks to create an institute for the
15 athletes, both collegiate and professional .

16 We're also working closely with Pepperdine with
17 some of their biology departments ; UCLA, their
18 sustainable center and their La Kretz Center, which is
19 right up the road.

20 So I'll be happy to answer any questions . This
21 concludes our presentation . One thing I might add is
22 we've done quite a bit of community outreach over the
23 last six to eight months, and we're pretty proud to say
24 that we have a lot of community support for the project .
25 Thank you .

1 MR. McCARTHY: Next speaker?

2 MR. DEA: In addition to Mr. Hix, we have three
3 other speakers: Kathleen Truman, Matthew Horns, and
4 Bill Trout. Please come forward, Kathleen.

5 MS. TRUMAN: I'm passing.

6 MR. DEA: You're passing?

7 MS. TRUMAN: I'm passing. Thank you.

8 MR. DEA: Matthew Horns? Please be seated and give
9 us your name and address. And, again, the name has to
10 be phonetically spelled.

11 MR. HORNS: My name is Matt Horns, H-o-r-n-s. I
12 live at 1040 South Westlake Avenue, Los Angeles, near
13 downtown L.A. And I came all the way out here because I
14 care so much about Trancas Canyon.

15 I started coming here with my brother and friends
16 in the early 70's when it was still a fishing lodge.
17 There was no golf course. It was just a couple shacks
18 around here. It was beautiful. We love the canyon. We
19 spent many weekends camping in the canyon. It's just
20 absolutely a wonderful place.

21 So I've been pretty much working in environmental
22 organizations my entire career, and so I'm always
23 looking for a new, better way of developing and building
24 and living and stuff. And this seems like a very good
25 environmentally excellent project. So that's pretty

1 much my point.

2 MR. McCARTHY: Thank you. And next speaker,
3 Mr. Dea?

4 MR. DEA: The next speaker is also the last on the
5 list, Bill Trout.

6 MR. TROUT: No.

7 MR. McCARTHY: Is there anybody else who wants to
8 speak? We don't interrogate you, as you've noticed, if
9 you want to say something. Okay. Come on forward, and
10 we'll have you fill out the card afterwards. Give us
11 your name.

12 MR. SULLIVAN: My name is Tim Sullivan,
13 S-u-l-l-i-v-a-n. I live at 32885 Mulholland. It's
14 actually adjacent to this property. I've had a chance,
15 as a previous speaker mentioned, to listen to some of
16 the outreach that was appropriately done for neighbors
17 in the areas, and I've written to the Board in support
18 of this project also.

19 We're relatively new to the area. I just retired
20 from 36 years in the military and had a chance to,
21 besides operations, to do maintenance logistics for
22 everything west of the Rockies for the U.S. Coast Guard.
23 I've had a chance to run very large maintenance and new
24 projects from Kodiak, Alaska, out to Guam and places
25 farther away; so I'm very familiar with the EIS process

1 and how it works.

2 The short version of what I'd like to say is I
3 guess I concur with the previous speaker. This is a
4 very positive environmentally done project that's taken
5 into account any potential negatives. They have taken
6 into account community outreach.

7 And I think, from what I'm reading -- a lot of my
8 work with the Coast Guard was environmental cleanup. At
9 the end of the day, when you look at where this creek
10 starts and where it ends up -- I also happen to be a
11 fisherman. The reuse or the improvement of this
12 watershed is just huge.

13 At the end of the day, you're going to end up with
14 a much cleaner watershed which ends up leading to a
15 cleaner Pacific. And we live in such a beautiful
16 community to begin with, Malibu, it would be a shame for
17 any impediment to slow this process down. Thank you
18 very much for your time today.

19 MR. McCARTHY: Thank you. Anyone else who wishes
20 to speak?

21 MR. DEA: No. That's all the speaker cards we have
22 today.

23 MR. McCARTHY: Very well. Again, we want to thank
24 you for coming. I want to summarize briefly for some of
25 you who may not have picked it up initially. The

1 comments given today or this evening will be responded
2 to by the people who prepare the Environmental Impact
3 Report. They will be incorporating those response to
4 comments -- that's what we call it, response to comments
5 -- into the final Environmental Impact Report.

6 So what is on the street today that you've had an
7 opportunity to review is referred to as the draft
8 Environmental Impact Report. The documents that will
9 incorporate the response to comments is called the final
10 Environmental Impact Report, and we'll give that to the
11 Planning Commission for them to review prior to the
12 public hearing downtown.

13 The public hearing downtown will also allow for
14 public testimony, and that's a little bit different
15 slant on the hearing downtown to hear more project
16 details, if you had an issue with the number of parking
17 spaces or something of that nature, a little bit more of
18 the project details; so you are more than welcome to
19 come down when that occurs.

20 Now, if we have a project in which we have a large
21 number of speakers -- I mentioned the other one. We had
22 about 126 speakers in one evening -- it might take
23 months to prepare the final EIR.

24 In this case, obviously, we had a modest number of
25 speakers; so it won't take anywhere near that long to

1 prepare the response to the EIR.

2 And we will be putting out new advertising. So the
3 sign out in front of the facility here on the street
4 will have a new notice on it with a new hearing date
5 downtown. All of the property owners who received the
6 notification in the mail will be renoticed with that
7 hearing date as well. So you'll have an opportunity to
8 come down.

9 If you cannot get downtown on the day of that
10 proceeding and you want to watch the proceeding, we do
11 broadcast them on the web. And so you can go into the
12 county's website and into the Department of Regional
13 Planning and there is a web broadcast for that for those
14 people who want to see it.

15 Again, you don't have to. It's recorded so you can
16 do it the next day or two. You can do it in the evening
17 if you're not able to do it during the daytime when it's
18 occurring live. And with that -- no additional comments
19 from staff?

20 MR. DEA: No further comments from staff.

21 MR. McCARTHY: With that I'm going to close the
22 hearing on the meeting for January 16, 2014, and thank
23 you for coming here tonight.

24 (Whereupon proceedings were concluded at 5:41 P.M.)
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, Dana D. Forbes, Certified Shorthand Reporter,
Certificate No. 8095, within and for the State of
California, hereby certify the following:

I am officer who stenographically recorded the
testimony in the foregoing hearing;

The foregoing transcript is a true record of the
testimony given.

Dated: January 31, 2014, Valencia, California.

Dana D. Forbes, CSR No. 8095



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



new owner from 2006

December 9, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

California Fuji International
c/o William King, Architect
19770 Grandview Dr.
Topanga, CA 90290

RE: CONDITIONAL USE PERMIT NO. 98-059-(3)

Authorize the continued operation of a golf course, clubhouse and appurtenant facilities including three caretaker's residences.
901 Encinal Road, Malibu

Dear Applicant:

The Regional Planning Commission, by its action of October 13, 1999, **APPROVED** a Conditional Use Permit to authorize the continued operation of a golf course, clubhouse and appurtenant facilities including three caretaker's residences located on an irregular shaped 620 acre parcel at 901 Encinal Road within the Malibu Zoned District

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors Executive Office, Room 383, Kenneth Hahn Hall of Administration, 500 Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15 day period, the Regional Planning Commission action is final. Upon the completion of the 15 day period, the applicant can submit to Regional Planning staff the affidavit, three copies of all required plans and pertinent fees.

If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

A handwritten signature in black ink, appearing to read "J.R. Gutwein". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John R. Gutwein, AICP
Supervising Regional Planner
Zoning Permit Section

JRG:REG:reg

Enclosures: Affidavit
Findings
Conditions

- c. Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Department of Public Works (Traffic and Lighting); Melanie Beck.

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

CONDITIONAL USE PERMIT NO. 98-059-(3)

COMMISSION HEARING DATES

March 31, 1999; May 5, 1999; June 23, 1999; July 21, 1999

SYNOPSIS:

The applicant, California Fuji International has requested a conditional use permit to authorize the continued operation of a golf course, clubhouse and appurtenant facilities including three caretaker's residences located on an irregular shaped 620 acre parcel at 901 Encinal Road within the Malibu Zoned District.

PROCEEDINGS BEFORE THE COMMISSION:

March 31, 1999

A duly noticed public hearing was held. Two persons, the applicant and the applicant's representative presented testimony in support of the request. A representative from the National Park Service (NPS) presented testimony regarding the potential negative impacts resulting from application of pesticides, fertilizers and herbicides on the golf course. The NPS representative expressed concerns about potential impacts on water quality from pesticides, herbicides and fertilizers used at the golf course and about potential impacts to National Park Service property located downstream from the golf course headwaters. She also noted concerns about the impacts to the natural flora and fauna communities surrounding the golf course and about the site blending in with the surrounding natural landscape. Concerns were also expressed about the use of non-indigenous plant communities at the site and high water consumption required to maintain a golf course. The potential use of reclaimed water at the golf course site was also discussed. A long-range plan by the Las Virgenes Municipal Water District (LVMWD) to bring reclaimed water to the site was considered an opportunity to bring together a major potential reclaimed water user with the District. Both the applicant and LVMWD expressed the desire to mutually cooperate and examine alternatives to bring reclaimed water to the golf course site.

There was also testimony expressing concerns about the compatibility of the golf course with the surrounding natural habitat and discussion about the potential water pollution impacts from winter storm water runoff upon the biological resources in the local watercourse. Nitrate pollution from fertilizer use at the golf course was a concern expressed by both NPS and the Commission. Reducing the runoff of pollutants into the natural drainage system along with implementation of a water quality testing and monitoring program at the golf course site were recommendations brought forth by NPS and the Commission. The Planning Commission also expressed concerns about noise from trespassers using off-road vehicles on portions of the golf course property. Other issues discussed included adequate fencing, security issues, compliance with CEQA, private vs. public use of the golf course, establishing more native biota at the site, the site's parking adequacy, watershed pollution, green waste recycling, access and traffic considerations.

After taking testimony, the Planning Commission indicated its intent to continue the public hearing to allow a date when Commissioner Feldman would be present. The public hearing was continued to May 5, 1999. The Commission instructed staff to prepare revised draft conditions, including the recommendations made by the National Park Service relating to water quality monitoring and testing, noise, fertilization, pesticide use, parking and provisions to incorporate more native landscaping within the golf course buffer and riparian areas.

May 5, 1999

A duly noticed public hearing was held. Two persons, the applicant and the applicant's representative presented testimony in support of the request. A representative from the National Park Service presented additional testimony regarding increased watershed protection for Trancas Creek, the need to establish appropriate monitoring and testing procedures to improve water quality and the need to establish baselines to insure water quality is improved at the golf course site and not degraded. The Commission encouraged the NPS to work together with the neighboring golf course property and to jointly assist in and support a water quality testing and monitoring regime for the golf course and NPS area.

The Commission also discussed water quality standards for the golf course and the best available technology available to reduce watershed impacts from pollutants. There was also discussion concerning certification by a nonprofit agency (Audubon) which makes recommendation for golf course operations. The Planning Commission expressed further concern about the draft conditions not establishing an appropriate baseline for evaluation of pollutants generated by the golf course and recommended comparing the golf course water quality data with other watersheds in the area. The Commission then directed the applicant to provide yearly water usage, pesticide, fertilizer and herbicide use and application rates for the previous five years. The Planning Commission then scheduled a field trip to visit the site on May 24, 1999 and continued the public hearing to June 23, 1999.

June 23, 1999

A duly noticed public hearing was held. Two persons presented testimony in support of the request, the applicant and the applicant's representative. The applicant's representative expressed concern with the role of the National Park Service in the conditional use permit process. The National Park Service representative presented testimony expressing their satisfaction with the water quality test results conducted by Malibu Country Club. NPS also recommended that water testing be conducted monthly to establish a baseline to better evaluate the effects of the golf course operation on adjacent NPS properties and the inclusion of testing for water soluble pesticides and heavy metals. The applicant indicated that comprehensive water quality testing would create an unnecessary hardship and expense if conducted on a monthly basis. The Commission then expressed concerns with the watershed area chosen to compare the test results with and the need to refine the selection of appropriate water test components, the timing of tests and the costs to be incurred in conducting the water tests. There were also concerns expressed about the NPS jurisdiction in implementing and developing conditions for the golf course property. The NPS was also encouraged to do additional water quality testing and monitoring

and to work together with the applicant to establish a baseline for the watershed area surrounding NPS property.

The Commission further requested that the Department of Public Works or other suitable government agency be responsible for collecting the water samples and analyzing the data and that the applicant defray the cost for sampling and testing. The Planning Commission closed the public hearing and directed staff to prepare findings and revise conditions, including a one or two year water quality testing regimen to establish a water quality baseline, for discussion and possible action on July 21, 1999.

July 21, 1999

A representative from the Department of Public Works presented testimony regarding the procedures for the collection of water samples and analysis. The Commission directed staff to include conditions to establish a water quality monitoring program and for staff to contact the Department of Beaches and Harbors and the Department of Health Services. The Commission also directed staff to include conditions indicating that water sample collection, analysis and timing be consistent with procedures used by other County departments. The Commission also indicated that Condition 21 include a specific date for implementation.

There being no further discussion, the Planning Commission directed staff to prepare revised findings and conditions for approval, and to include a water test regimen to ensure water quality sampling and testing is conducted throughout the life of the permit.

FINDINGS

1. The applicant requests a conditional use permit to allow the continued operation of a golf course and clubhouse with appurtenant facilities including three caretaker's residences located at 901 Encinal Road. The project site is located on a 620 acre irregular shaped parcel in The Malibu Zoned District.
2. The zoning on the subject site is RPD-20,000-2U (Residential Planned Development-20,000 square feet required area, 2 units per acre), A-1-1 (Light Agriculture, 1 acre required area) and R-R-1 (Resort Recreation, 1 acre required area).
3. Surrounding zoning consists of A-1-1 to the north, south and east; and A-1-1 and A-1-10 (Light Agriculture, 10 acres required area) to the west.
4. The surrounding land uses consist of single family residences to the north, east and west; and vacant land to the south.
5. The golf course property is located upstream from a 5,859-acre National Park Service land holding. The golf course is located at the pristine headwaters of the Trancas watershed which may impact downstream riparian resources, public lands, coastal waters and public beaches.

6. The Trancas Creek watercourse is relatively undisturbed and traverses 3.5 linear miles of the National Park Service land which encompasses most of the Trancas Watershed. Protection of this watercourse and watershed is a prime concern and regular water quality testing is necessary to ensure protection of the watershed.
7. The surrounding areas are primarily in a wild and undisturbed state, consisting of habitat native to the Santa Monica Mountains. Landscaping of the golf course property should be consistent with its natural surroundings and should emphasize the use of native plants.
8. Conditional Use Permit 1453 was granted to authorize the use of the private golf course, which was initially established as an appurtenant use to a residential development, approved on August 31, 1982. The permit expires on November 11, 1999.
9. The residential development was never constructed because of the Thomas Decision and Superior Court Case 930563 set aside Zoning Cases 5844 and 5867. The subject court case rolled back the density and zoning in the area to A-1-1 and R-R-1.
10. The subject site is regulated by the Malibu Local Coastal Plan designations: Mountain Land (M-2) with a maximum density of 1Du/20 Ac, Rural Land 3 (I) with a maximum density of 1 Du/10 Ac, Rural Land 4 (II) with a maximum density of 1 Du/5 Ac., and Rural Land (III) with a maximum density of 1 Du/2 Ac.
11. The proposal is consistent with the Malibu Area Local Coastal Plan Designations.
12. Section 22.24.100, of Title 22, requires a conditional use permit for golf courses, including club house and appurtenant facilities in the A- 1 Zone.
13. Section 22.40.190 of Title 22, permits golf courses, including clubhouses with appurtenant facilities, on a lot or parcel of land having, as a condition of use, an area of not less than one acre in the R-R zone.
14. The site plan depicts an irregular shaped 620 acre parcel developed with an 18 hole golf course, fairways, club house, pro-shop, parking lots with a total of 123 parking spaces, material storage facilities, a water tank, maintenance facilities and three caretaker's residences. The site plan also depicts landscape areas and the internal driveway system serving the property. The site takes access from Encinal Road to the south.
15. The proposed golf course hours of operation are from 6:00 a.m. to 10 p.m. seven days per week. Night golfing is prohibited.
16. The project is Categorically Exempt (Class 1) under California Environmental Quality Act (CEQA) guidelines because is limited to the continued operation of an existing use with no new construction, expansion or intensification

17. It is critical to protect the public health, safety and welfare by ensuring that water runoff from the golf course has minimal contaminants. The use of pesticides, herbicides and fertilizers on the site could cause pollution of the Trancas Watershed and the National Park Service property downstream.
18. A significant reduction in the use of pesticides, herbicides and fertilizers is important to protect the public health, safety and welfare, Trancas watershed and downstream coastal waters.
19. The existing golf course use is consistent with the Countywide General Plan and the Malibu Local Coastal Plan and zoning. There have not been any documented zoning violations on the subject property since the previous CUP was granted.
20. The California Regional Water Quality Control Board's Basin Plan for the Coastal Watersheds of Los Angeles identifies Trancas Watershed as having many beneficial uses. These beneficial uses include water for recreation, ground water recharge, and water supply. The Trancas Canyon watercourse also supports fish and wildlife resources ensuring the survival and maintenance of vital plant and animal species designated by state and federal law as rare or threatened.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. Compatibility with surrounding land use will be ensured through implementation of the attached conditions;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

COMMISSION ACTION:

1. In view of the findings of fact presented above, Conditional Use Permit No. 98-059-(3) is **APPROVED**, subject to the attached conditions.

VOTE: 5-0-0

Concurring: Feldman, Toy, Campbell, Vargo, Pederson

Dissenting: None

Abstaining: None

Absent: None

Action Date: October 13, 1999

Attachments: Conditions of Approval

JG:REG:reg

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant will terminate November 14, 2019.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges here under shall cease to be effective.

7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$2000.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 20 annual inspections.
8. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.
9. The permittee shall submit three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing and conforming to such of the following conditions as can be shown on a plan. Said revised plans shall depict all fencing along the subject property. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plans must be accompanied by the written authorization of the property owner.
10. The permittee shall post a sign at the entrance of the subject site in English and the predominant second language displaying contact telephone numbers for the site's manager, the Department of Regional Planning Zoning Enforcement Section and the closest sheriff station for reporting any problems which may occur related to the operation of said establishment and shall implement a program to address and promptly resolve such problems should they occur.
11. No more than one tournament sanctioned by the Professional Golf Association (PGA) shall be permitted each calendar year.
12. The golf course hours of operation shall be from 6:00 a.m. to dusk seven days a week. Service hours for the clubhouse are permitted for serving dinner or similar social events until 10:00 p.m.
13. Lighting for the parking lots shall have a maximum of 0.2 foot-candles on pavement (minimum light intensity for safety in general parking areas). All path of travel (walkways, stairs pathways) shall be illuminated with lighting fixtures with a maximum height of 18 inches from the finish ground. The ground lighting fixtures served to illuminate the walkways around the buildings and structures shall be directed to directly illuminate the specifically road/pathways. All lighting shall be shielded and/or directed downward in order to minimize excessive on-site illumination and to avoid illumination of the surrounding properties. No lighting

devices shall be installed or maintained on the playing fields.

14. The permittee shall construct and maintain fences and gates on the perimeter of the property to prevent the trespassing of off-road vehicles. An on-site caretaker shall monitor perimeter fencing on a regular basis to ensure property access is secured and maintained.

15. The permittee shall irrigate the golf course utilizing all practical water conservation measures including the use of reclaimed water should it become available from the Las Virgenes Municipal Water District (LVMWD) for irrigating the golf course grounds.

16. The permittee shall make good faith effort to work jointly with the LVMWD to support the coordination of infrastructure development and delivery of reclaimed water to the golf course site and to assist in their fair-share of the cost associated with delivering reclaimed water to the property.

17. This grant allows for the continued operation and maintenance of the existing golf course and appurtenant uses and structures subject to the following conditions:

- a. No night lighting is permitted except that the parking lot shall be illuminated for public safety during evening hours. Lighting shall be hooded to direct and prevent illumination of adjacent properties;
- b. This permit prohibits the playing of golf after dark and requires daily closure of the facility by 10:00 p.m.;
- c. There shall be no self-illuminating advertising signage or any other type of advertisements located in the parking lot, clubhouse or any of the walls or fences enclosing subject property;
- d. The permittee shall maintain free of litter all areas of the premises under which the applicant has control.
- e. No less than 180 parking spaces shall be provided in conformance with all applicable zone ordinance standards.

18. The permittee shall submit to the Regional Planning Department an annual report of the most recent year's usage of water, pesticides and fertilizers and demonstrate percentage reduction in each category compared to previous year.

19. The permittee shall submit annual reports for review by the Department of Regional Planning. Said reports shall include the following:

- a. Best Management Practices (BMP) used in its golf course operations in accordance with the Audubon International Cooperative Sanctuary

System;

- b. Progress on implementing an integrated pest management program by using beneficial organisms to achieve a 50% three years within the issuance of this permit (December 2002) a reduction in the amount of pesticide use from the baseline year 1998 and to maintain these reduced pesticide use levels throughout the life of the permit;
 - c. Water quality monitoring and testing results to assure compliance with standards established by the Environmental Toxicology Laboratory (ETL), Los Angeles County Department of Health Services State Regional Water Quality Control Board. The permittee must achieve a reduction of all pesticides, herbicides and fertilizers residues of 50% within the first 3 years of the permit compared to the baseline year of 1998. The permittee must continue to meet these reduced levels each year over the life of the permit.
 - d. The inclusion of local native plant species into the golf course open space perimeter buffer areas and within the property's natural open space areas located within the riparian corridor;
 - e. The permittee shall at the time of submittal for each annual report noted above forward a copy of said annual report to the National Park Service, the Department of Health Services and the Resource Conservation District of the Santa Monica Mountains for their review.
 - f. The permittee shall over the life of this permit and to the satisfaction of the Planning Director increase the number and coverage of native plant species into the landscape plans of the golf course natural open space buffer areas and in the riparian corridor areas commencing January 1999.
20. The permittee shall work toward achieving target goals for water quality and additional native landscaping during the life of this permit. The permittee shall identify the major sources of pollution into surrounding areas and develop realistic programs to eliminate them. These goals shall be considered to have been met if the permittee's annual report to Regional Planning demonstrate a cumulative reduction of 50% within three years (by December 2002) of the 1998 baseline usage rates for 1) pesticides, 2) herbicides and 3) fertilizers.
21. The landscape goal will be considered to have been met by the permittee upon achieving an increase of 50% in the native landscape coverage on the golf course, within the open space buffer areas, on the site perimeter and within the developed portions of the site than existed in the 1999 baseline as reported by the permittee. The permittee shall reference the California Native Plant Society (CNPS) Recommended Native Plant Species List for appropriate species. Invasive non-native species shall be prohibited and shall be targeted as the first part of the

landscaping to be replaced with native plant species. If oak trees are planted within the golf course, wood chips will be maintained underneath the entire drip line of each tree. The 50% increase in native landscaping shall be achieved within five years from date of the permit issuance (by December 2004), and shall be maintained throughout the life of the permit.

22. The permittee shall deposit the sum of \$5,000.00 with the Department of Regional Planning to defray the costs for reviewing and verifying the information contained in the annual reports required herein. The first annual report will be due on or before December 15, 2000.
23. To establish both water quality goals in Trancas Watershed, a series of water quality tests during the wet and dry seasons for the first two years of this permit is required to establish a water quality baseline. Beginning by the Fall of 2000 the Los Angeles County Department of Agricultural Commission/Weights Measures, Environmental Toxicology Laboratory (ETL) shall collect water test samples with support and assistance as may be needed from the Resource Conservation District of the Santa Monica Mountains. The ETL shall perform the testing or direct said samples to another qualified agency or approved testing facility such as the Resource Conservation District of the Santa Monica Mountains that shall perform the water testing and analysis. The collection shall be performed as follows:

First Two Years Testing Schedule to begin Fall of 2000

- 24.1 Once late in the dry season-Late August or early September (summer).
- 24.2 After the first major storm event of the rainy season that drops at least one-half inch of rain within a 24-hour period and causes the stream to flow. The sample should be collected within 24 hours of the storm event.
- 24.3 After a storm event at least one month after the first event, collected within 24 hours of the storm event.
- 24.4 On a non-storm event day in the winter when the stream is flowing.
- 24.5 Once in early spring, late in March or early April.
- 24.6 Once in Late spring, late in May or early June.

Subsequent Testing Schedule

- 24.7 After the initial two-year testing program, four tests will be performed annually, consisting of two tests during the wet season and two tests during the dry season on an annual basis. The wet season sample must be collected within 24 hours after the first major storm event of the rainy season that drops at least one-half inch of rain within a 24-hour period and causes the stream to flow.

Water Test Collection Locations:

- 24.8 Water shall be tested at an entry point of water across the golf course, and at the exit point of water from the golf course. The exact locations shall be determined by the Resource Conservation District of the Santa Monica Mountains.

25. Chemicals to be tested are:
 - A. Baseline water quality chemicals and their goals shall be as follows:
 - 25.1 Nitrogen levels shall be less than 1 mg per liter exiting the property. Nitrogen levels shall be monitored through the measurement of nitrate-N, nitrite-N, organic-N, and ammonia-N. The combined nitrogen levels from these sources shall not exceed 1 mg per liter.
 - 25.2 Phosphate levels shall be less than 0.1 mg per liter exiting the property. Phosphate levels shall be monitored through the measurement of total phosphorus.
 - 25.3 No presence of pesticides, fungicides nor herbicides. Presence of pesticides, fungicides and herbicides will be by pesticides screening for organochlorines, nitrogen/phosphorus containing pesticides, carbamates, synthetic pyrethroids, triazines, 2,4-D, 2,4,5-TP, and glyphosate.
 - B. The characteristics that shall be tested are:
 - 25.4 pH level
 - 25.5 Specific conductance of dissolved oxygen
 - 25.6 The three highest volumes or toxicity water-soluble pesticides, herbicides and/or fungicides used on the golf course.
26. In the event that water quality tests result indicate no significant progress toward attainment of water quality goals during a period of two consecutive years, the establishment of revised water quality attainment measures shall be developed by the Planning Department in conjunction with ETL or Resource Conservation District and implemented by the permittee. Revised attainment measures may include reduced chemical application rates, the use of new products that are less polluting and development of measures for an improved natural filtering before discharge.
27. The permittee shall coordinate with the ETL and shall be responsible for all costs relating to water test collection and water analysis.
28. The permittee shall continue to take appropriate actions to reduce the amount and rate of water runoff and mitigate downstream flood hazard to protect sensitive resources and riparian areas.
29. The permittee shall continue to manage the golf course property with sensitivity toward important natural resources and hazards such as flood, fire and erosion.
30. The permittee shall meet annually with NPS to discuss watershed management

- concerns, riparian area protection, water quality and erosion control strategies and provide the director of Planning with documentation of such meetings.
31. The permittee shall, in conjunction with the water quality testing program, work together with NPS to monitor the biodiversity of Trancas Creek watershed and identify potential indicator species which could alert property managers' to major shifts or losses in maintaining diverse plant and animal species within riparian areas.
 32. Green waste shall be appropriately recycled on the property.

JG:REG:reg



**MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Unincorporated Coastal Zone, Santa Monica Mountains, Los Angeles County
Meeting of 24 February 2014**

(Draft 2014)

Persons in Attendance

ERB Members

Rosi Dagit
Suzanne Goode
Margot Griswold, Ph.D.
David Magney

Regional Planning Staff

Samuel Dea, Planner
Kevin Finkel, Planner
Shirley Imsand, PhD, Coordinator
Gina Natoli, Planner
Rudy Silvas, Planner

Malibu Institute, TR071735-(3), RENV 201100192, CUP 201100122, p.2

Jim Anderson	janderson@envicomcorporation.com	818-879-4700
Tom Hix	tom@hixcompanies.com	650-269-8930
Primo Tapia	ptapia@envicomcorporation.com	818-879-4700
Kathleen Truman	ktruman@trumanelliott.com	213-629-5300

Monte Nido Estates, TR38931, RENV 201200025, p.4

Imad Aboujawdah	imad@civildesignanddrafting.com	805-522-2622
Richard Ibarra	treasetc.richard@gmail.com	805-558-8733
Daryl Koutnik, Ph.D.	d.koutnik@pcrnet.com	949-753-7001
Bill McKibbin	bmckibbin@calpacifichomes.com	949-833-6104

Comments & Recommendations

ANNOUNCEMENTS / DISCUSSION ITEMS:

I. **Report on Study Group Meeting on Enforcement of Landscape Requirements: Drought-tolerant, Fire-Safe, and Native.** Shawn Skeries of DRP Enforcement and Gina Natoli provided information to the ERB. Several suggestions were made for capturing landscape requirements into continuing review for compliance.

- A. Include landscape check on Public Works checklist; coordinate with Public Works to do check. A problem could be that landscapes are installed after the Public Works check.
- B. Fund a position for biologist or biologist-planner who could aid in doing landscape checks for compliance at the Calabasas office.
- C. Make it policy that any landscape requirement is a condition of approval.
- D. Make the landscape plan a condition for occupancy in the Coastal Development Permit.
- E. Attach the landscape requirement to the deed and have the landscape requirement travel with the deed in perpetuity.
- F. Attach any landscape requirement to the annual check for brush clearance.
- G. To landscape plans, add exclusion of existing plants with high hazard qualities such as *Eucalyptus* spp. and palm trees.

IIA. **Directive of County Counsel on ERB staffing and Bylaws.** Re-organization of the ERB with a Chairman and Co-chairman would be done under Bylaws, but ERB does not have Bylaws, and it would

be complex to produce these. ERB members will retain the current organization with DRP biologist coordinating and chairing the meetings.

IIB. The new Land Use Program for County Coastal Zone in the Santa Monica Mountains was approved by the County Board of Supervisors on 11 February 2014, and the Program is proceeding in process of review with review by the California Coastal Commission. ERB will be tasked with a revision of review process and have additional responsibilities in review.

OLD BUSINESS

III. Approval of Comments & Recommendations and Minutes of ERB meeting of 21 October 2013.

Recommendation to approve: Suzanne Goode, 2nd Margot Griswold, Ayes: Unanimous

IV. Project No. TR071735-(3), Malibu Institute

Educational Retreat & Conference Center, with renovation of existing 18-hole golf course

Address: 901 Encinal Canyon Road, Malibu

Permit Nos.: TR No. 071735, CUP No. 201100122, PKP No. 20110005; RENV 201100192

Retreat Center APNs: 4471-001-034, 4471-001-035, 4471-002-010, 4471-002-011,
4471-021-034, 4471-003-030

Planners: Samuel Dea and Kevin Finkel

Applicant: Thomas Hix for Malibu Institute, L.L.C.

Biologists: James Anderson and Primo Tapia of Envicom Corporation

USGS 7.5' Quad: Point Dume

ERB COMMENTS & RECOMMENDATIONS

1. ERB states that the Malibu Institute Project has been thoughtfully and responsibly designed, and the effort that has gone into every detail to make it responsive to environmental concerns is greatly appreciated.

2. The stream system of Trancas Creek should be restored within the golf course for connectivity and daylighted as much as possible. The pond and stream system should be connected from the headwaters, through the golf course, through the dam between the ponds, and should extend to natural drainages at the south end of the project site near Encinal Canyon Road into Trancas Creek on the southern side of Encinal Canyon Road. The pumped water system does not need to be used, as water should not be put into the Santa Monica Mountains where it does not exist naturally.

Recommendation: Rosi Dagit and amendment Gina Natoli / 2nd: Suzanne Goode

Ayes: Dagit, Goode, Magney, Natoli / Abstain: Griswold

Applicant's Response: The applicant will try to accommodate stream restoration within the golf course by removing part of the existing buried drainage infrastructure and re-establish the natural habitat to the extent possible.

3. As much as possible, and where compatible with golf course management, the golf course should try to use native grasses as part of landscape component of the fairway and roughs for the golf course. This will be less problematic for invasive characteristics of non-native plants. Suggested plants are White yarrow (*Achillea millefolium*); Salt grass (*Distichlis spicata* ssp. *spicata*); and Clustered field sedge (*Carex praegracilis*).

Recommendation: David Magney / 2nd Suzanne Goode / Ayes: Unanimous

Applicant's Response: The applicant stated that they would speak with their golf turf consultants at Michigan State University and University of California, Riverside about incorporating the native species identified. The applicant also noted their willingness to reach out to turf experts at the University of California, Davis or other local institution as suggested by ERB.

4. Monitoring for the reintroduction of invasive plant and animal species shall be done annually.

Recommendation: Suzanne Goode / 2nd Rosi Dagit / Ayes: Unanimous

Applicant's Response: The applicant stated that they do not object to this recommendation and that Mitigation Measure 11 in the EIR addresses this recommendation.

5. Surveys shall be performed for sensitive species such as lichens, bryophytes, vascular plant floras, and invertebrate insects and mollusks (such as *Helminthoglypta traskii traskii*), and the applicant has agreed and planned to conduct preconstruction survey for these species.

Recommendation: David Magney / 2nd Suzanne Goode / Ayes: Unanimous

Applicant's Response: The applicant agreed and has planned to perform preconstruction survey for these species as indicated in the proposed MMRP.

6. Sensitive native animal species shall be held when possible during renovations for later replacement to and throughout the restored and undeveloped part of the site, mitigation lands or credits may need to be purchased for sensitive species that are found and cannot be held or for some relocations and/or sensitive species assumed to be present and for cumulative loss of habitat.

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

7. ERB stated that they do not have any objections to the contents of DRP biologist Joseph Decruyenaere's report and that they shall approve his recommendation as is.

Recommendation: Rosi Dagit / 2nd David Magney / Ayes: Unanimous

CONSISTENCY:

The ERB voted on recommendations 1-7 as noted above. Following this vote, the applicant and his representatives were told that their item for discussion had concluded, the project did not need to come back before ERB, and the recommendations stand. After completing other business on the agenda, the ERB returned to the item to discuss project consistency without the project planner or applicant group present.

8. ERB recommends that the Malibu Institute Project is inconsistent with the 1986 Malibu Land Use Plan due to the high-intensity use in a significant watershed. The facilities and conference center plan introduces a high-intensity use, too much built environment, and too many visitors to the significant watershed of Trancas Creek. The new golf course plan is still too extensive for this sensitive habitat.

Recommendation: Rosi Dagit / 2nd David Magney / Ayes: Unanimous

Project No. TR071735-(3), Malibu Institute

ERB Meeting Date: 24 February 2014

ERB Evaluation: Consistent Consistent after Modifications
 X Inconsistent No decision

Project No. TR071735-(3), Malibu Institute

ERB Meeting Date: 24 February 2014

Staff Recommendation: Consistent X Consistent after Modifications
 Inconsistent No decision

Suggested Modifications: Comply with all ERB recommendation numbers 1-7.

V. Tract Map TR38931, Monte Nido Estates

Eleven Plot Plans, 25631 through 25752 Piuma Rd., Malibu

Permit Nos.: RENV 201200025

Planner: Rudy Silvas

Applicant: Imad Aboujawdah

Biologist: Dr. Daryl Koutnik, PCR

USGS 7.5' Quad: Malibu Beach

A. Project No.: R2013-03620

Permit No.: RPP T201301334

APN: 4456-038-019

Location: 25724 Piuma Rd., Calabasas

Proposal: New 2-story, 4,119 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 700 CY cut and 100 CY fill (600 CY export).

B. Project No.: R2013-03621

Permit No.: RPP T201301335

APN: 4456-038-002

Location: 25693 Piuma Rd., Calabasas

Proposal: New 2-story, 4,440 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 100 CY cut and 500 CY fill (400 CY import).

C. Project No.: R2013-03622

Permit No.: RPP T201301336

APN: 4456-038-018

Location: 25722 Piuma Rd., Calabasas

Proposal: New 2-story, 4,407 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).

D. Project No.: R2013-03623

Permit No.: RPP T201301337

APN: 4456-038-017

Location: 25720 Piuma Rd., Calabasas

Proposal: New 3-story, 5,411 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 0 CY fill (350 CY export).

E. Project No.: R2013-03624

Permit No.: RPP T201301338

APN: 4456-038-020

Location: 25734 Piuma Rd., Calabasas

Proposal: New 2-story, 3,662 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 450 CY cut and 75 CY fill (375 CY export).

F. Project No.: R2013-03625

Permit No.: RPP T201301339

APN: 4456-038-007

Location: 25631 Piuma Rd., Calabasas

Proposal: New 2-story, 5,234 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 350 CY cut and 50 CY fill (300 CY export).

- G. Project No.: R2013-03626
Permit No.: RPP T201301340
APN: 4456-038-021
Location: 25750 Piuma Rd., Calabasas
Proposal: New 2-story, 4,407 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 700 CY cut and 0 CY fill (700 CY export).
- H. Project No.: R2013-03627
Permit No.: RPP T201301341
APN: 4456-038-016
Location: 25680 Piuma Rd., Calabasas
Proposal: New 2-story, 3,636 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 420 CY cut and 0 CY fill (420 CY export).
- I. Project No.: R2013-03628
Permit No.: RPP T201301342
APN: 4456-038-013
Location: 25634 Piuma Rd., Calabasas
Proposal: New 2-story, 4,407 sq. ft. single family dwelling with landscaping and septic system on a vacant lot. Proposed grading includes 320 CY cut and 0 CY fill (320 CY export).
- J. Project No.: R2013-03629
Permit No.: RPP T201301343
APN: 4456-038-004
Location: 25675 Piuma Rd., Calabasas
Proposal: New 2-story, 5,318 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).
- K. Project No.: R2013-03630
Permit No.: RPP T201301344
APN: 4456-038-022
Location: 25752 Piuma Rd., Calabasas
Proposal: New 2-story, 3,732 sq. ft. single family dwelling with swimming pool, landscaping and septic system on a vacant lot. Proposed grading includes 480 CY cut and 100 CY fill (380 CY export).

The applicant approved of Gina Natoli serving *pro-tempore* to fulfill the ERB quorum.

ERB COMMENTS & RECOMMENDATIONS

SETBACKS:

-Planner Rudy Silvas stated that setbacks and driveways will need to be revised from what was posted to the ERB website. These revisions are still in process. Setbacks will be waived on some lots and driveways.

1. Structure footprints should be at least 100 feet away from the edge of the riparian vegetation along the stream.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

2. Building footprints should be at least 50 feet from edge of oak woodlands, more distant if possible, to avoid impacts from any required fuel modifications.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

3. No residential development should be allowed within the boundaries of proposed ESHA.
Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

BIOLOGICAL RESOURCES ASSESSMENT:

4. Preconstruction surveys for biological resources should include surveys for, and assessments of: lichen, bryophyte, and vascular plant floras, and surveys for assessments of impacts to invertebrate fauna. Several species of invertebrates, including insects and mollusks (such as *Helminthoglypta traskii traskii*), are known to occur in the area (Santa Monica Mountains).

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

MITIGATION AREAS

5. Items 5g (lot 21) and 5k (lot 4) at the western end of the tract should be combined, and the area and driveway should be retired from development. This will better preserve the habitats of oak woodland, which already has major ground clearance for fire safety, and nearby watercourse riparian area. The retired lots should then go into the TDC Program (Transfer of Development Credits) of the proposed Local Coastal Program.

Recommendation: David Magney / Amendment, Gina Natoli / 2nd Rosi Dagit / Ayes: Unanimous

6. Oak impacts on the driveway flag area will, therefore, not need to occur. If the lots are not retired, then an Oak Tree Permit application is needed.

Recommendation: Rosi Dagit / 2nd Suzanne Goode / Ayes: Unanimous

LANDSCAPE RESTRICTIONS:

7. Landscape plans shall be for locally native plants only. Locally indigenous plants are to be from the Santa Monica Mountains. Drought-tolerant plants and allowances should be followed. There shall be no invasive plants approved on any landscape plan for the tract. The DRP invasive list and the Cal-IPC invasive list shall be used to determine prohibited plants. A list of typical plants to avoid shall be attached to the landscape plan with the phrase "Non-natives that are specifically prohibited include, but are not limited to, palm trees (family Arecaceae), pampas grass (*Cortaderia* spp.), Pepper trees (*Schinus* spp.), *Eucalyptus* spp."

Recommendation: David Magney / 2nd Gina Natoli / Ayes: Unanimous

8. The restriction to use locally native plants in landscapes shall be a condition on the permit and on the deed that shall pass with the land in perpetuity.

Recommendation: David Magney / 2nd Rosi Dagit / Ayes: Unanimous

9. Native plant landscaping proposed to screen the development from aesthetic views (from public lands, the Backbone Trail and other public trails, high areas such as Saddle Peak, and the scenic Piuma Road) shall be secondary to design that can make the development less obtrusive. Design elements that shall first be applied are: a. lower heights and b. siting of the houses and accessory buildings out of sight.

Recommendation: Gina Natoli / 2nd David Magney / Ayes: Unanimous

PROJECT PLANS AND DETAILS OF DESIGN:

All of the recommendations drafted by DRP Biologist Joseph Decruyenaere were adopted as follows:

10. Applicant must clearly delineate ESHA locations on all plans.

Recommendation: Rosi Dagit, 2nd Gina Natoli, Ayes: Unanimous

11. Riparian and jurisdictional resource areas should be mapped and shown on all plot plans wherever present. The bridge crossing will require permitting from CDFW and USACE. Include a CRAM or HGM functional analysis and mitigation measures with the notification package sent to these agencies.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

12. Many of the areas mapped as "ruderal" in the biological report are manufactured slope areas that appear to have been planted with native species—chiefly native grasses and coyote bush, presumably as an erosion control method. Although, this vegetation is artificially created and the County does not regard it as sensitive, it is not ruderal and should not be mapped as such.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

13. A drainage plan is needed showing 100% capture of a 3/4" storm, collecting both irrigation and rainfall runoff from roofs, driveways, and other hardscaped areas. For drainage and runoff control, ERB recommends using

cisterns to capture and store water for irrigation and fire-fighting purposes. Consult www.oasisdesign.net for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and/or driveways. A cistern below a driveway may require a permeable surface.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

14. Incorporate project design features and provide a drainage plan to ensure detention of storm water complies with current RWQCB requirements.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

15. Implement a temporary erosion control plan during construction in keeping with RWQCB requirements. Site septic facilities as far as possible from public open space and oak trees; incorporate filtration or micropore treatments in order to protect water quality.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

16. The house and landscaping shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

17. Submit a landscape/fuel modification plan for review and approval by DRP; landscaping shall provide a visual screening and erosion-preventative function. New landscaping shall consist only of locally indigenous native plants outside of fuel-modification zone A/B.

For guidance, refer to

- The California Native Plant Society website (especially good for botanic gardens where native plants can be seen and for nurseries that carry native plant stock): <http://www.cnps.org/>

- The Los Angeles County Fire List:

<http://www.fire.lacounty.gov/forestry-division/forestry-fuel-modification/> (Appendix IV)

And http://theodorepayne.org/plants/fire_resistant.htm

Recommendation: Rosi Dagit, 2nd Gina Natoli, Ayes: Unanimous

18. Fish's milkwort, southern California black walnut, oak woodland, and ESHA should be depicted on fuel modification plans and protected from fuel-modification impacts.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

19. The fuel modification plan should follow the standard regulations:

- Zone A: 20 ft. wide; irrigated; non-invasive ground covers
- Zone B: 30 ft. wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees
- Zone C: Beyond Zones A & B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2 – 3 year schedule, with clumps adjacent to one another in alternate pruning times.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

20. In preparing Zone C for fuel modification:

- Retain as many non-sprouting species as possible. (They usually have a single trunk.) Do not cut off the trunk in pruning, as this kills the plant.
- Choose multiple-trunked, re-sprouting species for removal over non-sprouters. The remaining multi-trunked shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2–3 years between prunings for any one clump. Re-sprouting species can be pruned to near ground level.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

21. Perimeter fencing shall not be allowed; however, security fencing adjacent to the house is acceptable, for example, around a swimming pool.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

22. Exterior night lighting shall be minimized in observance of Rural Lighting District standards, using low intensity (not exceeding 800 lumens) lights on low stature (2.5-3 ft.) fixtures. Lights shall be directed downwards with full shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared

detector or a motion sensor. Refer to the Outdoor Lighting District Ordinance for restrictions on shielding, height, intensity, and encroachment, especially 22.44.540.A – D:
http://planning.lacounty.gov/view/rural_outdoor_lighting_district_ordinance.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

23. Avoid large reflective surfaces on house exteriors in order to reduce the likelihood of bird strikes.

Recommendation: Rosi Dagit / 2nd Gina Natoli / Ayes: Unanimous

CONSISTENCY:

24. The ERB recommends that the project is consistent with the County Local Coastal Program for the Santa Monica Mountains after it follows all recommendations outlined above.

Recommendation Rosi Dagit / 2nd Margot Griswold / Ayes: Unanimous

Monte Nido Estates, TR38931

ERB Meeting Date: 21 February 2014

ERB Evaluation: ___ Consistent X Consistent after Modifications
 ___ Inconsistent ___ No decision

Monte Nido Estates, TR39031

Staff Recommendation: ___ Consistent X Consistent after Modifications
 ___ Inconsistent ___ No decision

Suggested Modifications:

1. Comply with all ERB recommendations. On setbacks the planner needs to allow what has previously been permitted, but follow the ERB recommendations as much as possible on the projects reviewed at the 24 February 2014 meeting.
2. For any oak tree permit, the oaks in the island of project 5b (lot 2) appear to be impacted by clearing for the project. Assessment should be made for encroachment on those trees.
3. Fuel modification and clearing up to the protected zones of oak trees are serious impacts on oak woodlands, because the oak shallow roots extend over 3 times the canopy radius, beyond the protected zone that is legislated. Brush clearance and fuel modification remove essential parts of the oak woodland community, even if removals do not include oak trees. Fuel modification on all the project sites will be impacting oak woodland, and there should be an assessment of oak woodland impacted acreage (by fuel modification) compared to oak woodland acreage in the parcels proposed for open space. The standard used for mitigation is generally twice the acreage in mitigation of the acreage of impact. If the impact-free oak woodland acreage proposed for open space is not 2 times the impacted acreage (including off-site impact), then mitigation open space should be expanded to protect 2 times the acreage of oak woodland of impact. The recommended retirement of Projects 5g and 5k could contribute to oak woodland mitigation and deduct from acreage of impact.
4. Parcels proposed for open space shall have the deeds retire any future development rights, and there shall be a conservation easement on those parcels held by a conservation organization.

OTHER MATTERS

VI. Public comment pursuant to Section 54954.3 of the Government Code.

No Public Comment was made orally. Letters to ERB will be posted on the ERB webpage under the appropriate case.



**MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Unincorporated Coastal Zone, Santa Monica Mountains, Los Angeles County
Meeting of 19 November 2012**

(Approved via electronic mail 20 November 2012)

Persons in Attendance

ERB Members

Rosi Dagit
David Magney
Andrew Nickerson

Regional Planning Staff

Joe Decruyenaere
Shirley Imsand, PhD
Gina Natoli
Rudy Silvas

Project Applicants / Representatives

Item 1

Imad Aboujawdah	(805) 522-2622
Richard Ibarra	(805) 558-8733
Daryl Koutnik, PhD	(949) 753-7001

Item 2

Jim Anderson	(818) 879-4700
Travis Cullen	(818) 879-4700
Tom Hix	(650) 269-8930
Richard Ibarra	(805) 558-8733
Kathleen Truman	(213) 629-5300

AGENDA ITEMS

NEW BUSINESS

1. **TR38931:** Five plot plans along Piuma and Woodbluff Roads
 - a. **Project No.: R2012-02436 / Permit Nos.: RPP T201200970, RENV T201200258 / APN: 4456-038-006**
25645 Piuma Road, Calabasas—Attachment 1
 - b. **Project No.: R2012-02437 / Permit Nos.: RPP T201200971, RENV T201200259 / APN: 4456-038-003**
25677 Piuma Road, Calabasas—Attachment 1
 - c. **Project No.: R2012-02438 / Permit Nos.: RPP T201200972, RENV T201200260 / APN: 4456-038-015**
25666 Piuma Road, Calabasas—Attachment 1

- d. **Project No.: R2012-02439 / Permit Nos.: RPP T201200973, ROAK T201200038, RENV T201200261 / APN: 4456-038-014 25664 Piuma Road, Calabasas—Attachment 1**
 - e. **Project No.: R2012-02440 / Permit Nos.: RPP T201200974, ROAK T201200039, RENV T201200262 / APN: 4456-038-001 420 Woodbluff Road, Calabasas—Attachment 1**
2. **Project No.: TR071735 / Permit Nos.: TR071735, CUP201100122, PKP201100005 / APNs: 2058-015-003, -013, -037, -045, -046; 4471-001-028, -029, -032 – -037, -039, -041 – -043; 4471-002-010, -011, -026, -027; 4471-003-010, -011, -030 – -032; 4471-021-028, -033, -034 901 Encinal Canyon Road, Malibu, California 90265 (Malibu Institute)—Attachment 2**

OTHER MATTERS

3. **Public comment pursuant to Section 54954.3 of the Government Code—No comments from the public were made.**

ANNOUNCEMENTS

Minutes of the 20 August 2012 meeting were approved by electronic mail on 2 October 2012. Andrew Nickerson motioned to approve and Ron Durbin seconded the motion.

By unanimous approval by ERB and project proponents, Shirley Imsand, PhD and Gina Natoli were granted *pro tempore* status as ERB members for the purpose of providing a quorum.

NOTE: ERB meetings are informal working sessions. Members are appointed as volunteers to serve in an advisory capacity. Minutes are prepared by planning staff from notes and tape. Visitors are advised to take notes or record the meeting. New or clarified information presented in biota revisions may raise new issues and require further analysis. Minutes are generally approved via electronic mail. Draft minutes may be requested but are subject to revision. Meetings are open for public observation, and brief comments may be made by the public about the biology of the project sites.

ENVIRONMENTAL REVIEW BOARD

TR38931: Five plot plans along Piuma and Woodbluff Roads, as described below under a – e

- a. **Project No.: R2012-02436**
Permit Nos.: RPP T201200970, RENV T201200258
APN: 4456-038-006
Location: 25645 Piuma Road, Calabasas

Proposal: New two-story 4,119 sq. ft. single-family residence, with associated pool, retaining walls, septic system, hardscape, and landscaping. The subject property is 42,837 sq. ft. Proposed grading includes 225 CY cut and 95 CY fill (130 CY export).

- b. **Project No.: R2012-02437**
Permit Nos.: RPP T201200971, RENV T201200259
APN: 4456-038-003
Location: 25677 Piuma Road, Calabasas

Proposal: New two-story 4,119 sq. ft. single-family residence, with associated pool, septic system, hardscape, and landscaping. The subject property is 40,037 sq. ft. Proposed grading includes 0 CY cut and 75 CY fill (75 CY import).

- c. **Project No.: R2012-02438**
Permit Nos.: RPP T201200972, RENV T201200260
APN: 4456-038-015
Location: 25666 Piuma Road, Calabasas

Proposal: New two-story 5,234 sq. ft. single-family residence, with associated retaining walls, hardscape, and landscaping. The subject property is 40,059 sq. ft. Proposed grading includes 150 CY cut and 0 CY fill (150 CY export).

- d. **Project No.: R2012-02439**
Permit Nos.: RPP T201200973, ROAK T201200038, RENV T201200261
APN: 4456-038-014
Location: 25664 Piuma Road, Calabasas

Proposal: New two-story 4,435 sq. ft. single-family residence, with pool, retaining walls, hardscape, and landscaping. The subject property is 40,027 sq. ft. Proposed grading includes 275 CY cut and 10 CY fill (265 CY export).

- e. **Project No.: R2012-02440**
Permit Nos.: RPP T201200974, ROAK T201200039, RENV T201200262

APN: 4456-038-001

Location: 420 Woodbluff Road, Calabasas

Proposal: New three-story 5,411 sq. ft. single-family residence, with pool, retaining walls, hardscape, and landscaping. The subject property is 40,127 sq. ft. Proposed grading includes 560 CY cut and 0 CY fill (560 CY export).

a – e. Applicant: Imad Aboujawdah

Resource: Malibu/Cold Creek Resource Management Area and ESHAs

Request: Review the proposed development and provide recommendations to be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).

Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

ERB Meeting date:	19 November 2012			
ERB Evaluation:	<input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> <u>X</u>	Consistent	after Modifications
	<input type="checkbox"/> Inconsistent			

Comments and Recommendations

1. It is not necessary to impact the oak tree on Lot 1 (RPP T201200974) in order to develop the site. Reduce the size or modify the orientation of the residence in order to avoid the oak tree encroachment.
2. Springtime surveys for sensitive plants and invertebrates are needed; *Calochortus catalinae* and *Navarretia ojaiensis* are known from the area and may potentially occur on site. In the event that these or other sensitive species are detected on site, provide mitigation for their avoidance and preservation.
3. The vegetation map and vegetation descriptions confound disturbed areas with ruderal areas, and the biological report is not consistent in the use of naming conventions relating to association and alliance; some of the nomenclature is out of date (e.g. *Mimulus aurantiacus* is now *Diplacus longiflorus* in this region) or imprecise (lacking subspecific epithets).
4. Riparian and jurisdictional resource areas should be mapped and shown on all plot plans wherever present. All development should be sited at least 100 feet from these areas. If such setbacks are not possible, a functional analysis is recommended to assess project impacts and suitable mitigation. The Hydrogeomorphic Assessment Method (HGM) is preferred over the California Rapid Assessment Method (CRAM).
5. Use pervious pavers to the greatest extent possible; incorporate provisions to retain at least the first inch of stormwater on site within cisterns, bioswales, or other facilities; rather than moving concrete drainage devices and replacing in-kind, replace with bioswales in order to improve the quality of water leaving the site.
6. Limit security fencing to fuel-modification zone A/B; any property perimeter fencing shall be wildlife friendly and accommodate the movement of all wildlife in the area.

7. Minimize outdoor lighting in observance of Rural Lighting District standards. All security lighting should be on motion-detectors and shielded so as not to illuminate adjacent natural areas.
8. Avoid large reflective surfaces in order to reduce the likelihood of bird strikes.
9. Implement a temporary erosion control plan during construction, in keeping with RWQCB requirements. Site septic facilities as far as possible from public open space and oak trees; incorporate T-filters and micropore treatments in order to protect water quality.
10. More natives are needed in the landscaping plan. Non-natives may be used but only within the irrigated A/B fuel-modification zone. Avoid invasive non-natives, California natives not indigenous to the project region, and cultivars of native plants that pose a hybridization potential with local genotypes. Use saltgrass (*Distichlis spicata*) rather than standard turf grasses for bocce courts and other high-traffic recreational features. No vineyards, orchards, or lawns shall be placed outside of fuel-modification zone A/B.
11. Fish's milkwort, southern California black walnut, and oak woodland habitats should be protected from fuel-modification impacts.

Staff Evaluation: ☐ Consistent ☒ Consistent after Modifications
 ☐ Inconsistent

Comments and Recommendations

1. Incorporate project design features and provide a drainage plan to ensure detention of storm water complies with current RWQCB requirements.
2. Submit a landscape/fuel modification plan for review and approval by DRP; landscaping shall provide a visual screening and erosion-preventative function. New landscaping shall consist only of locally indigenous native plants outside of fuel-modification zone A/B.
3. Provide a report of spring surveys for sensitive plants and invertebrates, along with additional mitigation measures for the protection of these species if detected on site.
4. Provide a delineation of riparian and jurisdictional resources along with a CRAM or HGM functional analysis and mitigation measures if 100' setbacks are not feasible.

ENVIRONMENTAL REVIEW BOARD

PROJECT NO. TR071735

ERB MEETING DATE 19 NOVEMBER 2012

BIOLOGICAL CONSTRAINTS ANALYSIS DATED SEPTEMBER 2012

First ERB Meeting

PROPOSED PROJECT: development of a retreat center, redesigned golf course, and appurtenant facilities on an existing country club site. Three permits are sought:

TR071735: The applicant proposes to create 29 nonresidential lots, including two golf course lots, one pro shop/maintenance facility/clubhouse lot, one guest bungalows lot, one institute/meeting rooms lot, one project entry lot, and 23 open space lots on 650 acres.

CUP201100122: The applicant requests a conditional use permit:

- to develop a sports-oriented educational retreat which includes educational and meeting facilities, overnight visitor-serving accommodations in 40 bungalows, a warehouse, a cart storage building, a clubhouse with spa and pool, a pro shop, a maintenance building, and a restaurant/bar/cocktail lounge;
- to develop a redesigned 18-hole golf course;
- to allow the continued sale of alcoholic beverages for on-site consumption;
- to allow on-site grading totaling 240,000 CY;
- to allow continued use and operation of a helipad in a R-R zone;
- to construct and use an approximately 1,000,000 gallon water tank and associated water line to replace the existing 100,000 gallon water tank on the property; and
- to allow caretaker dwelling units.

PKP201100005: The applicant requests a parking permit to allow the use of 387 shared parking spaces between lots.

The subject property is located at 901 Encinal Canyon Road, Malibu, California 90265, Malibu, within the **Zuma Canyon Significant Watershed and ESHAs**.

SENSITIVE ENVIRONMENTAL RESOURCE DESCRIPTION: Zuma Canyon Significant Watershed (inclusive of Trancas Canyon) is one of the least disturbed and most remote canyon systems in the Santa Monica Mountains. The slopes are vegetated with coastal sage scrub and chaparral; the canyon bottom supports freshwater pools and a diverse riparian woodland. Distinctive freshwater fauna, including species such as western pond turtles and native fishes, are associated with the pools scattered throughout the narrow reaches of the canyon. Bobcats, mountain lions, and many other secretive species continue to be reported in Zuma Canyon. Historically, Zuma Canyon was a nesting habitat for golden eagle and peregrine falcon. The Zuma Canyon watershed is largely undeveloped, disturbed only by firebreaks and dirt roads. Development is generally confined to the upper and lower limits of the watershed.

ERB COMMENTS AND RECOMMENDATIONS:

1. Trancas Canyon supports a population of rainbow trout (*Oncorhynchus mykiss irideus*) and has been identified as a potential watershed for the re-establishment of a passage for anadromous steelhead (CalTrout 2006). Provide a discussion of habitat values and identify passage impediments for steelhead within the project site. Incorporate habitat buffers and features to improve steelhead passage in the design of the project. The passage concept is available from CDFG; a public meeting to discuss the passage will be held in Ventura in January 2013.
2. Conduct surveys for shoulderband snails (*Helminthoglypta* spp.), special-status fish, Coast Range newt (*Taricha torosa*), western pond turtle (*Emys marmorata*), and bats. Provide discussions of their potential presence on site and project related impacts.
3. Discuss the suitability of the site for reintroduction of California red-legged frog (*Rana draytonii*).
4. Develop a crayfish and bullfrog eradication plan for the project.
5. Incorporate project design features to ensure detention of storm water complies with current RWQCB requirements.
6. Incorporate a permanent trail easement in the project design.

ACTION TAKEN: Further ERB review is required; incorporate the above comments and recommendations in a Biota Report which considers project impacts in light of the biological constraints of the project site.

Malibu Associates, LLC

Corporate Office:
2400 Wyandotte Street, Suite B-102
Mountain View, CA 94043
650-941-7514

April 16, 2014

Chair Esther Valadez
Commissioner Laura Shell
Commissioner David Louie
Commissioner Curt Pederson
Commissioner Pat Modugno
County of Los Angeles Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

Re: The Malibu Institute, Project No. TR071735-(3); VTTM No. 071735

Honorable Chair Valadez and Honorable Commissioners:

On behalf of Malibu Associates, LLC, the Applicant for the Malibu Institute project, we respectfully request you approve Vesting Tentative Map No. 071735, Conditional Use Permit No. 201100122, and Parking Permit No. 201100005 and certify the Environmental Impact Report for the project located at the existing Malibu Golf Club, a 650-acre site at 901 Encinal Canyon Road, in the unincorporated area of Malibu.

The Malibu Institute project will improve public recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing, public access 18-hole golf course and expanding the services and facilities available to the community and visitors to include an educational retreat, overnight accommodations in 40 bungalows, and an expanded clubhouse and wellness facility. The project's proposed buildings will be constructed to the LEED™ Platinum standard or equivalent. Other green features will include green roofs, photovoltaic panels on the parking lot shade structures to produce nearly two-thirds of the project's energy, and food and waste recycling to greatly reduce solid waste disposal.

The remodeling of the existing golf course and the building development area will occur entirely within the area previously developed and disturbed by the existing golf course and associated facilities. The building development area will be clustered on 20 acres in the southernmost portion of the 650-acre project site with the golf course acreage reduced from 118 acres to 107 acres. By clustering the development area, the project will dedicate over 450 acres of pristine native vegetation as permanent open space to the National Park Service for enjoyment of the public for generations to come.

The renovated golf course will remain accessible to the public as a daily-fee golf course. The project will contain a restaurant, snack bar, and other amenities, which will serve the needs of daily-fee golfers, attendees of conferences, and overnight guests while also providing access to facilities for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway.

The project will provide numerous environmental improvements to the nearly 40-year-old antiquated golf course and facility and the surrounding environment, including the following:

- During construction of the golf course in the 1970s, 100% of the flows of Trancas Creek through the golf course were placed in underground culverts and pipes. The project will daylight approximately 1,400 linear feet of these flows. We have worked closely with local biologists and specialists familiar with the native species in the Santa Monica Mountains. The newly daylighted sections of the flows will use their design specifications for habitat creation and reintroduction of native species.
- The existing golf course ponds are overwhelmed with numerous invasive species, including bass, catfish, bluegill and Mississippi crayfish. The project has worked closely with Dr. Lee Kats, a Professor of Biology at Pepperdine University and the foremost expert on the Trancas Creek. Under Dr. Kats' supervision, the on-site ponds will be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the continued spread of these species downstream and to restore habitat for the California newt and Western pond turtle.
- To improve water quality and reduce irrigation demand, the project will use a sand cap under the new highly drought-tolerant turf on the golf course.
- With its location at the headwaters of the Trancas Creek, the project will improve water quality exiting the site to the Trancas Creek. These improvements include replacing the current 185,000 square foot of asphalt parking lot, entrance road and cart paths with pervious surfaces and creating bioswales and a vegetated detention basin at the south end of the parking lot to reduce impacts from first flush contaminants to Trancas Creek.
- The project will limit removal of native vegetation and will incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the project site. The project will remove approximately 1,590 non-native trees (palms, eucalyptus, and pines), which is over 50% of the non-native trees on the project site, and plant many native oak and sycamore trees at the Project site.
- The project's green features will reduce use of potable water from Las Virgenes Municipal Water District by 32%.
- The project will remove the 35-year-old septic systems that are in close proximity to the existing ponds on the golf course and replace them with an underground, on-site sewer treatment facility that will provide Title 22 treated water to be used on a portion of the golf course.

By clustering development on approximately 20 acres in the southernmost portion of the 650-acre project site, dedicating over 450 acres of open space, implementing numerous green measures to improve water quality, reduce water usage, and protect the surrounding environment, and improving public access, the project is consistent with the Malibu Land Use Plan and the recently certified Land Use Plan of the proposed Santa Monica Mountains Local Coastal Program. We have prepared an analysis of the consistency of the project with each plan, which we attach to this letter.

Since filing the initial entitlement applications for the project on September 15, 2011, we have worked cooperatively with County Staff to ensure potential environmental impacts are reviewed and fully mitigated. As demonstrated in the EIR, all project impacts will be less than significant.

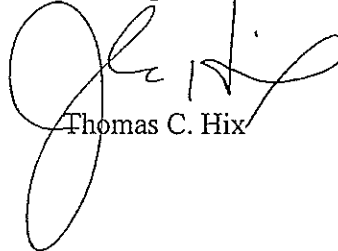
Over the past year, we have met with the neighbors and community members, including golfers, community groups and local business and civic organizations, to brief them on the project and solicit their

input. We presented the project to environmental and open space organizations, including Santa Monica Mountains Restoration Trust, the National Park Service, Heal the Bay, and Preserve Malibu. The project has received overwhelming support in the community as indicated by the forty-four comment letters supporting the project in the EIR, extolling the benefits of the project to the environment and the community.

We wish to thank County Staff for their tireless assistance and cooperation on this project and concur with the Department of Regional Planning Staff Report. We are willing to accept all conditions of approval proposed by the Department of Regional Planning, the Department of Public Works, the Department of Public Health, the Fire Department, the Department of Parks and Recreation, and the Los Angeles Local Agency Formation Commission contained in the Staff Report.

We respectfully request your approval of the Malibu Institute project, and look forward to continuing to work cooperatively with the County for decades to come. If you have any questions, please do not hesitate to contact me at (650) 941-7514.

Best regards,

A handwritten signature in black ink, appearing to read 'Thomas C. Hix', written over a printed name.

Thomas C. Hix

Enclosures

cc: Mr. Ben Saltsman, Planning Deputy to Supervisor Yaroslavsky
Mr. Richard Bruckner, Director of Department of Regional Planning
Mr. Sam Dea, Department of Regional Planning

**THE MALIBU INSTITUTE
VESTING TENTATIVE TRACT MAP NO. TR 071735
CONSISTENCY WITH THE
1986 MALIBU LOCAL COASTAL PROGRAM - LAND USE PLAN**

The County of Los Angeles Department of Regional Planning (DRP) deemed complete the application for VTTM No. 71735 for the Malibu Institute project (Project) on January 22, 2013. Since then, the DRP completed an update to the 1986 Malibu Land Use Plan (1986 Malibu LUP) and released for public review the Santa Monica Mountains Local Coastal Program (2014 SMMLCP). The County of Los Angeles Board of Supervisors approved the 2014 SMMLCP on February 11, 2014, and the California Coastal Commission will hold a public hearing and consider certification of the Land Use Plan component of the 2014 SMMLCP on April 10, 2014.

Los Angeles County adopted the Malibu Local Coastal Program Land Use Plan in 1986 to serve as the General Plan's local coastal plan and satisfy the requirements of California State Planning Law (California Government Code Section 65300, *et. seq.*). Table 5.9-1 provides a list of the land use designations that currently apply to the Project site. In granting CUP 98-059-(3), the County found the existing golf course use consistent with the Countywide General Plan, the 1986 Malibu LUP, and zoning. (CUP 98-059-(3), Finding 19.)

Table 5.9-1
Current Project Site Land Use Designations and Zoning

Current Zoning	Local Coastal Plan Land Use Designation & Figure Number	Land Use Designation Density
A-1-1 or RPD-5-0.2-DP or R-R-1 or A-1-20	Mountain Land (M2)	1 dwelling unit per 20 acres
R-R-1 or A-1-1	Rural Land I (3)	1 dwelling unit per 10 acres
R-R-1	Rural Land II (4)	1 dwelling unit per 5 acres
R-1-1 or A-1-1 or RPD-5-0.2-DP	Rural Land III (5)	1 dwelling unit per 2 acres

This analysis summarizes the consistency of the Project with the policies, goals and objectives of the 1986 Malibu LUP. The analysis of consistency with each policy is italicized after each policy.

I. RECREATION AND COASTAL ACCESS

The 1986 Malibu LUP addresses the issue of recreation and coastal access through the following policies, which are relevant to the Project:

- P1 Provide recreational opportunities to meet the variety of recreation demands.

The Project would improve recreational opportunities within the Santa Monica Mountains National Recreation Area (SMMNRA) by remodeling an existing, public access, 18-hole golf course that has served the public and visitors to the Santa Monica Mountains Coastal Zone for decades and expanding the services and facilities available visitors to include an educational retreat, overnight accommodations in 40 bungalows, a wellness center and an expanded clubhouse. The Project would allow the continuation of the only public golf course in the Santa Monica Mountains Coastal Zone. While the golf course would remain available to the general public, the availability of restaurants, a snack bar, and other amenities would serve the needs of overnight guests on-site while also providing access to public facilities for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway. With its proposed facilities, the Project would be consistent with this Policy.

- P2 Provide for passive and educational, as well as active, recreational opportunities.

The Project would provide a venue for educational programs through the Malibu Institute's affiliation with the University of Southern California and a wellness center, consistent with this Policy.

- P9 Utilize open space easements and dedications, where appropriate, to facilitate the objectives of a recreational program.

The Project would reduce the acreage of the golf course from 118 to 107 acres and cluster development on 20 acres in the southern portion of the Project site by Encinal Canyon Road in an area already disturbed by construction and operation of the existing golf course since the 1970s. The Project then would dedicate the remainder of the Project site, which is over 450 acres and contains pristine open space, as permanent open space in the Santa Monica Mountains National Recreation Area, consistent with this Policy.

- P11 Encourage the Santa Monica Mountains National Recreation Area to provide a wide variety of outdoor recreational activities and opportunities to metropolitan Los Angeles.

The Project is a privately owned and managed project located in the Santa Monica Mountains National Recreation Area. Currently, the Project site provides recreational opportunities through a public golf course, clubhouse and restaurant. The Project would remodel the golf course, which would remain open to the public, and would add additional amenities including an education retreat with overnight accommodations in 40 bungalows, which would add to and/or support the recreational uses available in the SMMNRA, consistent with this Policy. See consistency analysis under P1, above.

- P13 Accept private land donations which are compatible with the recreation policy.

The Project would reduce the acreage of the golf course from 118 to 107 acres and cluster development on 20 acres in the southern portion of the Project site by Encinal Canyon Road in an area already disturbed by construction and operation of the existing golf course since the 1970s. The Project then would dedicate the remainder of the Project site, which is over 450 acres and contains pristine open space, as permanent open space in the Santa Monica Mountains National Recreation Area, consistent with this Policy.

- P14 Program recreational use to minimize the adverse impacts on natural elements.

The Project would remodel the existing golf course. In doing so, the Project would implement water quality improvements and remove an existing septic system, which would be replaced with an on-site waste treatment facility to recycle wastewater for irrigation or subsurface infiltration on the golf course. The Project also would install photovoltaic panels in the parking lot to provide much of the power for the Project. Existing non-native ornamental landscaping would be removed and replaced with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing on-site water features would be drained, dredged and cleaned to remove non-native aquatic species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle. The Project would reduce environmental impacts associated with the current use of the site while maintaining its recreational values, consistent with this Policy.

- P16 Require that entrance roads, parking facilities, and other necessary developments in recreation areas be designed to maintain environmental and visual compatibility with the surrounding area.

The Project would be accessed via Country Club Drive, which is paved, from Encinal Canyon Road, which is a paved County road. The Project would maintain off-street parking for the remodeled golf course and the Malibu Institute. The Project would remove approximately 185,000 square feet of non-pervious asphalt in the existing cart paths, parking lots and entrance road and replace them with a pervious paving surface and create bioswales to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. A vegetated detention basin also would be located at the south end of the parking lot to improve water quality. As the parking lot would not be visible from Encinal Canyon Road, a designated County scenic corridor, there would be no visual impacts, consistent with this Policy.

- P17 Encourage the development of commercial recreational and visitor-serving facilities at suitable locations which provide convenient public access, adequate infrastructure, convenient parking, and when feasible, which are focused at locations where existing low cost recreation uses will be enhanced. Such uses shall not displace existing recreational uses unless a comparable replacement area is provided. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided or alternative means of improving access to the recreational area are assured, such as

improved public transit facilities or services. Among other sites, encourage development of commercial recreational and visitor-serving facilities at two development centers (Malibu Civic Center and Point Dume-Paradise Cove) and at one subcenter (mouth of Topanga Canyon).

The Project would remodel an existing public access golf club. The site is accessed by Encinal Canyon Road via Mulholland Highway or Decker Canyon Road, and would contain adequate, convenient parking and adequate infrastructure to serve the Project. Additions to the Project site include overnight guest accommodations, a restaurant, a pro shop with an indoor driving range, and related amenities that would serve not only the Malibu Institute but the general public and Coastal Zone visitors, including hikers and bike enthusiasts using the future Class 3 bike land on Encinal Canyon Road between Pacific Coast Highway and Mulholland Highway, consistent with the intent of this Policy. See consistency analysis under P16, above.

- P18 Encourage commercial recreational development which supplies recreational uses not publicly available.

The Project would allow the continuation of the only public golf course in the Santa Monica Mountains Coastal Zone. See consistency analysis under P1, above.

- P18b Protect, expand, and, where feasible, provide new lower cost recreation and visitor-serving facilities, especially public recreational facilities. In particular, consider the feasibility of providing lower-cost hostels in conjunction with development of new hotels. Encourage any new or expanded facilities to utilize sensitive design that is well integrated with the surrounding environment and public access.

The Project would improve public recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing public access golf course and expanding the services and facilities available to visitors to include an educational retreat, overnight accommodations in 40 bungalows, and an expanded clubhouse. While the golf course would remain available to the general public, the availability of restaurants, a snack bar, and other amenities would serve the needs of overnight guests on-site while also providing access to public facilities for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway. The Project's proposed structures would be designed to be sensitive to the surrounding environment and would work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course, clubhouse, cart barn and restaurant. The Project would locate structures at various elevations that make use of the existing topography and follow the existing contours so the proposed buildings are organized and articulated within the landscape to not stand out in the viewshed. The proposed structures would occupy elevations that are lower than the identified public viewpoints, and would incorporate design elements that blend the new building designs with the surrounding topography and color palette, such as earth-tone exteriors with wood and stone facades. The Project structures would not

exceed the height limitations indicated in the LUP. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed. The Project would not be visible from most of the parkland south of the property because the parkland is at a much lower elevation than the Project site, and is otherwise sheltered by undeveloped ridgelines. While visible from some parklands, the Project would not block or impede views of scenic resources from a designated scenic highway or parklands. Mature landscaping would act as a vegetation buffer around the proposed buildings. Few Project components would be visible from Mulholland Highway and surrounding hillsides due to the sloping nature of the Project site and Project development strategy. Because the development area is located at a much lower elevation than Mulholland Highway, the proposed buildings would not interfere with public views from Mulholland Highway. With its proposed facilities, the Project would be consistent with this Policy.

- P18c On land suitable for visitor-serving commercial recreational facilities, provide priority for visitor-serving facilities over private residential, general industrial, or general commercial development.

The Project is a private commercial recreational facility (golf course) open to the public. The alternative use for the Project site based on its zoning and general plan designation is for large and very large lot residential estate development. Continuation and improvement of the golf facilities and the addition of educational facilities, overnight guest accommodations, and related uses rather than developing residential uses is consistent with this Policy.

- P19 Ensure that the types and intensities of commercial recreational uses are environmentally compatible with the area and the site.

The Project would continue and improve upon an existing commercial recreational use (i.e., a privately owned, publically available golf course) and expand available recreational and visitor-serving uses within the footprint of the existing golf course in an environmentally responsible manner as discussed in detail in Sections 5.1 – 5.14 of the Draft EIR for the Project. The changes contemplated by the Project would enhance its environmental compatibility by improving water quality and wildlife habitat.

- P20 Locate commercial recreation facilities to efficiently utilize public services, particularly the road system.

The Project would remodel an existing golf club that would retain its existing use and public access while increasing the facilities available on the site, all within the existing disturbed footprint of the original golf course. The Project site is accessed primarily from Encinal Canyon Road via Pacific Coast Highway and/or Mulholland Highway. No change in access is anticipated.

- P21 Encourage that recreation-oriented commercial uses serve as support facilities for public recreation areas.

The Project's facilities would be available to the public and would provide support for hikers and bikers utilizing the Backbone Trail in the Santa Monica Mountains National Recreation Area and the proposed Class 3 bike lane on Encinal Canyon Road, consistent with this Policy.

- P22 Site and design recreation-serving commercial uses to minimize traffic hazards and disruption of residential areas.

The Project would remodel an existing golf club that would retain its existing use and public access while increasing the facilities available on the site, all within the existing disturbed footprint of the original golf course. The Project site is accessed primarily from Encinal Canyon Road via Pacific Coast Highway and/or Mulholland Highway. No change in access is anticipated. As discussed in the Project's Draft EIR and the Project's traffic study, which was approved by County Public Works, the Project would have a less than significant impact on traffic and circulation.

- P23 Provide that commercial recreation uses may locate near parks and recreation areas where the intensity does not detract from the park experience and the two are mutually supportive.

The Project would improve public recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing public access golf course and expanding the services and facilities available to visitors to include an educational retreat, overnight accommodations in 40 bungalows, a wellness center and an expanded clubhouse. While the golf course would remain available to the general public, the availability of restaurants, a snack bar, and other amenities would serve the needs of overnight guests on-site while also providing access to public facilities for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway.

- P24 Design public recreation facilities to minimize the impact on neighboring communities. Similarly, design new land divisions to minimize impacts of residential use on neighboring recreational land.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the golf course and its clubhouse and cart barn, while maintaining the rural nature of the rest of the Project site. The Project is designed to blend with the surrounding environment, using earth-tone colors on the buildings and nestling structures into slopes to minimize the visual impacts of the Project. See consistency analysis under P18b, above, and P25, below.

- P25 Protect adjacent neighborhood areas, to the extent feasible, from noise, visual and traffic impacts from new recreation areas.

As discussed in Section 5.10, Noise, of the Draft EIR for the Project, construction and operation of the Project would not result in significant noise impacts to nearby residential areas. Only limited residential uses are located in proximity to the Project site. The nearest sensitive receptors to the Project are residences accessed via Mulholland Highway and located west of the Project development area at a minimum distance of 1,200 feet from the proposed development area. Due to the distance of the Project from any sensitive receptors, all possible short-term construction noise would be atmospherically attenuated and, therefore, the Project would not result in any short-term noise impacts during construction. Further, the Project would not cause any roadway segment adjacent to the Project site to exceed the +3 dB Community Noise Equivalent Level (CNEL) significance threshold. The Project would equip construction equipment with mufflers, use hybrid or electric equipment instead of typical gasoline-powered equipment, limit the hours of construction-related activities, stage construction at least 500 feet from the nearest homes, and limit hours for outdoor amplification. Based on the noise analysis and modeling prepared for the Project and included as an Appendix to the Draft EIR, noise impacts generated by Project traffic on Encinal Canyon Road on residential development along the right-of-way would be less than significant.

Visual impacts would be less than significant as illustrated in the analysis provided in Section 5.1, Aesthetics, of the Draft EIR for the Project. The Project is only intermittently visible from any public roadway due to intervening topography and vegetation. Those portions of the Project site visible from scenic routes or nearby hiking trails are generally open space areas that would not be developed by the Project.

Traffic impacts would be less than significant as demonstrated in the analysis provided in Section 5.13 of the Project's Draft EIR, based on the Traffic Impact Analysis (TIA) prepared for this Project and included as an Appendix to the Draft EIR. All potentially affected intersections and street segments are currently operating at an acceptable level of services (LOS C or better), which would not change with the development of the Project in either the existing plus Project or the cumulative plus Project scenarios. Accordingly, the Project would be consistent with this Policy.

- P31 Initiate a program to provide bike racks, lockers, or other devices for securing bicycles in convenient locations at beach and mountain parks and staging areas.

The Project site is linked to the Backbone Trail via a spur trail and is also accessible from the proposed Class 3 bikeway on Encinal Canyon Road between Mulholland Highway and Pacific Coast Highway. The Project would provide bicycle racks, access to restroom facilities, and access to the snack bar or restaurant for hikers and bikers using these facilities, consistent with this Policy.

Therefore, the Project would be consistent with the goals, policies and objectives of the 1986 Malibu LUP related to recreation and coastal access.

II. MARINE AND LAND RESOURCE PROTECTION

A. Land and Marine Resources (Biological Resources)

The 1986 Malibu LUP addresses the protection of biological resources through the following policies, which are relevant to the Project:

- P57 Designate areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

Portions of the Project site meet the criteria for ESHA designation. Section 5.3, Biological Resources, of the Project's Draft EIR includes an assessment and mapping of ESHA-qualified areas of the Project site pursuant to the criteria. No development is proposed within ESHA-designated areas, pursuant to this Policy. Instead, the ESHA within the Project site will be dedicated as permanent open space as part of the Project.

- P59 Trancas Canyon and other areas identified by the Department of Fish and Game shall be added to the list of Significant Watersheds.

Trancas Canyon has been added to the list of Significant Watershed Areas (SWA) pursuant to this Policy and the Project is designed to help improve water quality as discussed in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR. Specifically, the Project would replace the current 185,000 square foot of asphalt parking lot, entrance road and cart paths with pervious surfaces and create bioswales to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. A vegetated detention basin also would be located at the south end of the parking lot to improve water quality. The Project would remove existing non-native ornamental landscaping and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing on-site golf course water features would be drained, dredged and cleaned to remove non-native aquatic species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR, pursuant to the goals for this SWA.

- P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP.

The Project's remodeled golf course would continue to be located outside of the boundaries of the Zuma Canyon Significant Watershed. Thus, the golf course would not be required to comply with the standards contained Table 1 of the Malibu Land Use Plan (Table 1). The southern portion of the Project's Malibu Institute would be located over

the footprint of the existing clubhouse, cart barn, pro shop and restaurant, just inside the boundaries of the Zuma Canyon Significant Watershed, and thus, would be required to comply with the standards contained in Table 1. These standards limit development on any parcel within a Significant Watershed to educational facilities, among other resource dependent uses. As the Malibu Institute portion of the Project would be an educational retreat facility, the Project would be consistent with the use requirements of Table 1. Additionally, Table 1 requires development occurring within significant watersheds be clustered and sited as close to the periphery of the Significant Watershed and existing roadways as possible. The Malibu Institute structures would be constructed just inside of, and straddling, the limits of the designated Significant Watershed, would be clustered together within the footprint of the existing disturbed area, and would be developed adjacent to an existing roadway accessing the Project site. In addition, as discussed in the Draft EIR, the Project would not cause negative environmental effects to natural resources such as vegetation, streambeds and natural drainages. Therefore, the Project would be consistent with this policy. See consistency analysis under P59, above.

- P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

The development area of the Project would not be located within an ESHA. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources within Trancas Canyon, a designated Significant Watershed Area. Implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in the County's Low Impact Development Ordinance and Manual would be required for this Project during construction and operational phases. The Project is designed to help improve water quality as discussed in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR. Specifically, the Project would replace the current asphalt parking lot and cart paths with a pervious surface and create bioswales to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. A vegetated detention basin would be located at the south end of the parking lot to improve water quality. The Project would remove existing non-native ornamental landscaping and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing on-site golf course water features would be drained, dredged and cleaned to remove non-native aquatic species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR. The Project would be consistent with this Policy.

- P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, shall be sited and designed to prevent impacts, which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Two areas within the portion of the Project site proposed for dedication as permanent open space have been designated ESHAs due to the quality of the habitat. Development of the Project site has been sited to avoid any impacts or degradation of these areas, consistent with this Policy.

- P71 The clustering of buildings shall be required in Significant Watersheds to minimize impacts unless it can be demonstrated that other environmental mitigation methods would be effective.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the golf course and its clubhouse and cart barn, while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. The Project would decrease the number of lots from 29 to 7, with two lots used for remodeling of the golf course and development of the Malibu Institute and five lots dedicated as permanent open space. Rather than propose residential estate development on each of these lots, which would require the removal of ESHA for not only development of the separate, individual residential estates, but also larger fuel modification buffers, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

- P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

The Project would reduce the acreage of the golf course from 118 to 107 acres and cluster development on 20 acres in the southern portion of the Project site by Encinal Canyon Road in an area already disturbed by construction and operation of the existing golf course. The Project then would dedicate the remainder of the Project site, which is over 450 acres and contains pristine open space, as permanent open space in the Santa Monica Mountains National Recreation Area, consistent with this Policy.

- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

The Project would remodel the existing golf course and associated facilities within the footprint of the existing golf course, which is accessed from Encinal Canyon Road, a paved public street, and is provided with potable water by existing LVMWD infrastructure. On-site wastewater treatment would be provided through installation of a new on-site water treatment facility that would produce recycled water suitable for use in

irrigation or subsurface infiltration of the golf course. The existing septic systems, with the exception of the system for the existing caretaker's residence near Mulholland Highway, would be abandoned pursuant to a permit issued by the County Department of Public Health. By using an already disturbed area of the Project site and improving its water quality features, wastewater facilities, water conservation components, and replacing non-native ornamental landscape with drought tolerant native species, the Project would minimize its effects on sensitive environmental resources onsite and downstream and improve current conditions, consistent with the intent of this Policy.

- P76 In accordance with Section 30236 of the Coastal Act, channelizations, dams or other substantial alterations of stream courses shown as blue line streams on the latest available USGS map should incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The Project would be located on an already disturbed portion of the Project site and would not alter natural stream channels. The Project is located at the headwaters of Trancas Creek and prior development on the Project site prior to enactment of the Coastal Act included the channelization of the portion of Trancas Creek within the golf course area into subsurface culverts and pipes. The Project is designed to help improve water quality as discussed in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR. Specifically, the Project would replace the current asphalt parking lot and cart paths with a pervious surface and create bioswales to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. A vegetated detention basin also would be located at the south end of the parking lot to improve water quality. The Project would remove existing non-native ornamental landscaping and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing on-site golf course water features would be drained, dredged and cleaned to remove non-native aquatic species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR. The Project would provide additional facilities but development would be limited to the existing golf club development footprint and would not cause or increase any negative impacts to Trancas Creek downstream of the Project site, consistent with this Policy.

- P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of sensitive riparian vegetation, consistent with this policy.

- P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

The Project's hydraulic analysis indicates any increase in peak flow from the existing condition would be detained on-site in detention basins pursuant to current regulations. The Project would implement specific BMPs, including the use of a sand cap under the turf on the golf course, the use of green roofs, and the installation of pervious surfaces in the parking lots and other pathways to increase on-site infiltration of nuisance and storm water runoff as compared to the existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix G of the Draft EIR provide calculations that support the analysis, consistent with this Policy.

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

All grading activities are limited to the already disturbed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Storm water runoff during the Project's construction phase could result in erosion and potential downstream siltation unless mitigated by BMPs. Section 5.5, Geology and Soils, of the Project's Draft EIR cites existing regulations that require preparation of construction and post-construction phase BMPs to reduce erosion potential. Implementation of these BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this Policy.

- P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

The Project would include the removal of non-native ornamental landscaping and would plant native, drought tolerant species as required within ESHAs and Significant Watersheds. Species used would comply with fire safety requirements, including requirements for fuel modification in the vicinity of occupied structures, consistent with this Policy.

- P85 Earthmoving operations within Environmentally Sensitive Habitat Areas, Significant Watersheds, and other areas of high potential erosion hazard (including areas with a slope exceeding 2:1) shall be prohibited between November 1 and March 31 unless a delay in grading until after the rainy season is determined by the Planning Director to be more environmentally damaging. Where grading begins before the rainy season, but extends into the rainy season for reasons beyond the applicant's control, measures to control erosion must be implemented at the end of each day's work.

All grading activities are limited to the previously disturbed portions of the Project site. Storm water runoff during the Project's construction phase could result in erosion and potential downstream siltation unless mitigated by Best Management Practices (BMPs). Additional discussion is included under Policy 82, and mitigation measures and regulatory requirements are discussed at length in Section 5.5, Geology and Soils, and 5.8, Hydrology and Water Quality, of the Draft EIR, all of which address the content of these BMPs. The Regional Planning Director would confirm the adequacy of these measures to permit grading between November 1 and March 31. BMPs including silt fences, straw wattles, straw blankets, and hydro-mulching of exposed surfaces would be used to ensure that downstream siltation would not occur as a result of grading during the rainy season.

- P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.

A drainage control system, which includes onsite detention basins, and detention ponding within the golf course in 25-year plus precipitation events, has been incorporated into the Project's drainage design. These facilities are designed to retain the Project's incremental flow so that the existing condition is not exceeded. Downstream SEAs would be protected from excessive siltation during both the construction and operational phases. In addition, replacement of existing non-native ornamental vegetation with native, drought tolerant vegetation would eliminate the possibility of downstream recruitment of invasive vegetation originating from the project site. Lastly, temporary draining of existing onsite water features to allow for the complete removal of non-native, invasive aquatic species would offer further protection to native fauna within the downstream SEA. The Project would have no direct impacts on the downstream SEA and would be consistent with this Policy.

- P88 In ESHAs and Significant Watersheds and in other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

- Structures should be clustered.
- Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.
- Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

- Require all side-cast material to be recompacted to engineered standards, receded, and mulched and/or burlapped.

The Project's proposed structures would be clustered in the southern portion of the Project site in areas already disturbed by the existing golf course. The Project would use the existing access road, Clubhouse Drive, from Encinal Canyon Road to access the Project. All grading activities are limited to the previously disturbed portions of the Project site. Storm water runoff during the Project's construction phase could result in erosion and potential downstream siltation unless mitigated by Best Management Practices (BMPs). Additional discussion is included under Policy 82, and mitigation measures and regulatory requirements are discussed at length in Section 5.5, Geology and Soils, and 5.8, Hydrology and Water Quality, of the Draft EIR, all of which address the content of these BMPs. BMPs including silt fences, straw wattles, straw blankets, and hydro-mulching of exposed surfaces would be used to ensure that downstream siltation would not occur as a result of grading during the rainy season, consistent with this policy.

- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

The Project is located in an upland area of the Santa Monica Mountains. Grading would be required within the already graded and disturbed areas of the existing golf course to create building pads for proposed structures, install needed infrastructure, and remodel the golf course. All cut and fill would be balanced on-site, thereby limiting the need for a haul route along Encinal Canyon Road. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this Policy.

- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

The Project site has been designed to minimize impacts and alterations of physical features by limiting development to the existing disturbed footprint of the existing golf course.

- P92 For permitted grading operations on hillsides, the smallest practical areas of land should be exposed at any one time during construction, and the length of exposure should be kept to the shortest practicable amount of time.

The Project is located within a natural bowl surrounded by steep hillsides and defined ridgelines. Permits for site grading would require a SWPPP and installation and maintenance of BMPs to reduce erosion during the construction phase. Landscaping and buildings would ultimately cover the site and eliminate potential for site-generated erosion. The Project would comply with all required conditions on its grading permit, consistent with the Policy.

- P93 Where grading is permitted during the rainy season (i.e., November 1 March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

A Stormwater Pollution Prevention Plan (SWPPP) would be prepared for the Project and approved by the County and, if required, by the Regional Board, before a grading permit would be issued. The SWPPP would include temporary measures that must be used on the Project site during the construction phase to minimize sediment from runoff waters during construction. Implementation, maintenance, and on-going inspection of these facilities during the construction phase by the Applicant and the County would ensure their effectiveness so the Project would remain consistent with this Policy.

- P94 Cut and fill slopes should be stabilized with planting at completion of final grading. In ESHAs and SWAs, planting should be of native plant species using accepted planting procedures, consistent with fire safety requirements. Such plantings should be adequate to provide 90 percent coverage within 90 days, and should be repeated if necessary to provide such coverage. This requirement should apply to all disturbed soils. Jute netting or other stabilization techniques may be utilized as temporary methods.

Upon completion of final grading, the Project site would be landscaped and/or paved. Native, drought tolerant species would replace existing ornamental landscape and turf on the golf course, which comprises the majority of the Project site. Where necessary, temporary slope and soil stabilization methods would be used to ensure erosion is controlled on-site, consistent with this Policy.

- P95 Where construction will extend into the rainy season, temporary vegetation, seeding, mulching, or other suitable stabilization methods should be used to protect soils subject to erosion. The County Engineer should approve the appropriate methods.

As required by the County of Los Angeles and the Los Angeles Regional Water Quality Control Board, the Project would implement a Storm Water Pollution Prevention Plan (SWPPP) and comply with the County's MS4 permit requirements, which would include proper Best Management Practices (BMPs) and treatment measures, consistent with this Policy.

- P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

The Project would be required to prepare and implement a SWPPP subject to review and approval by the County and comply with the County's MS4 permit requirements. The SWPPP would include BMPs for controlling and treating polluted runoff in accordance

with the requirements of the Los Angeles Regional Water Quality Control Board. The construction and operation of the Project would result in a reduction in minerals and nutrients leaving the Project site as compared to current conditions, as documented in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR, reducing adverse impacts to water quality, consistent with this Policy.

B. Visual Resources

The 1986 Malibu LUP addresses the protection of visual resources through the following policies, which are relevant to the Project:

- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

The Project would be sited and designed to protect public views from County-designated scenic highways and corridors as well as from public trails in the vicinity of the Project site. Development would be confined to the footprint of the existing golf course. The Project would replace existing outdoor overhead parking lot lighting with new lighting complying with the County's Rural Outdoor Lighting District Ordinance that would limit wattage and hours of operation and comply with Dark Skies initiatives. Views from Encinal Canyon Road and Mulholland Highway are largely obstructed by intervening topography, consistent with this Policy. See consistency analysis under P18b, above.

- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

The Project's proposed structures would be consistent in design and work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed, consistent with this Policy. See consistency analysis under P18b, above.

- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
- minimize the alteration of natural landforms.
- be landscaped to conceal raw-cut slopes.

- o be visually compatible with and subordinate to the character of its setting.
- o be sited so as not to significantly intrude into the skyline as seen from public viewing places.

See the consistency discussions under P18b, P125 and P129, above.

- P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

None of the Project's structures would break a ridgeline view as seen from public places.

- P132 Maintain the character and value of Mulholland Scenic Corridor, as a scenic and recreational resource connecting public parklands within the Santa Monica Mountains.

The Project would be sited and designed to protect public views from County-designated scenic highways and corridors as well as from public trails in the vicinity of the Project site. Development would be confined to the footprint of the existing golf course. The Project's proposed structures would be consistent in design and work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed. Views from Encinal Canyon Road and Mulholland Highway are largely obstructed by intervening topography, consistent with this Policy. See consistency analysis under P18b, above.

- P133 Encourage the use of architectural design for new construction which reflects the unique visual and environmental character of the Malibu Coastal Zone. At the same time, encourage -- within the design idiom -- sufficient diversity in the design character (i.e., scale, height, density, etc.) so that visual monotony does not result. Some differentiation among structures should be encouraged to promote the establishment of a limited number of visual landmarks, except in highly scenic areas where new development should be subordinate to the character of its setting.

See the consistency discussion under P132, above.

- P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

The structures on the Project site would be clustered at the southernmost area of the Project site, at its lowest elevation. Grading would occur within the already graded and disturbed areas of the existing golf club and would be balanced on-site. See consistency analysis under P18b, above.

- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The Project would not alter the "natural landscape". All grading would occur within areas previously disturbed during construction of the golf course in the 1970s. This historic grading occurred without permits. Much of the new grading for the project is designed to remediate prior unpermitted grading and facilitate environmental restoration on the Project site. The proposed grading would not change the natural topography of the property. See the consistency discussion under P134, above.

- P136 New development in existing communities should respect the prevailing architectural and visual character of existing structures.

The Project would be developed within the footprint of the existing golf club. The Project's proposed structures would blend with the surrounding environment. No other development is located in the immediate vicinity, so the proposed new development on the Project site would be consistent with this Policy. See consistency analysis under P18b, above.

- P137 Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.

The Project would remodel an existing golf club. All buildings would be clustered in the southern portion of the 650-acre Project site and would not block off-site views, in compliance with this Policy. See consistency analysis under P18b, P125 and P129, above.

- P138 Design considerations for commercial development should include:

- unifying architectural themes
- visually aesthetic screening of service areas
- height and bulk standards.

The Project would be developed within the footprint of the existing golf club. The Project's proposed structures would blend with the surrounding environment. The Project would remodel an existing golf club. All buildings would be clustered in the southern portion of the 650-acre Project site and would not block off-site views, in compliance with this Policy. See consistency analysis under P18b, P125 and P129, above.

- P138b Buildings located outside of the Malibu Civic Center shall not exceed three (3) stories in height, or 35 feet above the existing grade, whichever is less.

The buildings proposed for the Project site would comply with required height limitations, consistent with this Policy as noted in Section 3, Project Description, of the Project's Draft EIR.

- P142 New development along scenic roadways as designated in Figure 8 shall be set below the road grade on the downhill side wherever feasible, to protect designated scenic canyon and ocean views.

Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed. The proposed buildings would not block off-site views, consistent with this Policy. See consistency analysis under P18b, P125 and P129, above.

C. Hazards

The 1986 Malibu LUP addresses the issue of hazards through the following policies, which are relevant to the Project:

- P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. Geologic hazards related to the Project are evaluated in Section 5.5, Geology and Soils, of the Project's Draft EIR. With compliance with current building, grading, and structural codes, impacts would be reduced to less than significant levels, consistent with this Policy.

- P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.

See consistency analysis of P147, above.

- P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. The Project would remove and replace undocumented fill with engineered fill, and over-excavate and re-compact soils. The existing slopes within much of the area proposed for new development are relatively flat, and no evidence of pre-existing slope instability was encountered during geotechnical studies for the Project. As discussed above, the Project would minimize risks associated with

natural hazards through the incorporation of a variety of safety features. See consistency analysis of P147, above.

- P152 Prohibit buildings within areas subject to inundation or erosion unless proper mitigation measures are provided to eliminate flood hazard.

Based on the Project's Drainage Concept/Hydrology Plan, which the County of Los Angeles Department of Public Works approved on October 22, 2013, the only areas of the Project site potentially subject to flood in a 25, 50, and 100-year storm event are located within the golf course, well below and at a substantial distance from any proposed occupied structure, as illustrated in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR, consistent with this Policy.

- P156 Continue to evaluate all new development for impact on, and from, fire hazard.

The Project site is located in an area subject to high fire severity hazard; however, the Project's buildings would be designed pursuant to code for fire resistance, have green roofs that would be irrigated, would be fitted with appropriate interior sprinkler systems, and would observe Fire Department required fuel modification zones. The Fire Department has reviewed and approved the preliminary fuel modification plan for the Project. Occupied buildings would be physically separated from areas with highly flammable fuels by paved parking lots and the irrigated golf course. The Project would include fire alarms, firewalls and dampers, and detector devices in accordance with the State Fire Marshall requirements. Fire lane access throughout the development area, adequate turning radii for fire equipment, and turnarounds for fire protection equipment would be incorporated into the Project design subject to review and approval by the Fire Department. The water system would provide adequate fire flow as determined by the Fire Department, consistent with this Policy.

- P157 Continue present requirements for fire retardant roofing in fire hazardous areas (Fire Zone 4).

The Project's proposed buildings would have fire retardant roofing in compliance with the County Code, consistent with this Policy.

- P158 Continue to enforce code requirements for clearance or reduction of flammable vegetation for a minimum distance of 100 feet around any residential structure in a fire hazard area (Fire Zone 4). Encourage use in landscaping of fire-retardant plant species.

See consistency analysis under P156, above.

- P159 Continue present requirements on all new development for emergency vehicle access and fire-flow water supply as determined by the Forester and Fire Warden until such time as alternative mitigation measures providing an equivalent degree of safety are developed and implemented.

Adequate fire flow would be provided to the site by the Las Virgenes Municipal Water District. Sources of additional water would include on-site golf course water features and stored treated wastewater, in addition to existing on-site wells. A helipad would be located on the site and the Project's paved parking lot and golf course could be used as a staging area by Fire Department equipment and personnel in the event of an emergency. There are multiple routes to and from the Project site, ensuring the availability of access for emergency vehicles and the ability to evacuate the sites if necessary, consistent with this Policy.

- P160 Require residential structures in fire hazard areas to utilize fire resistant building materials and designs (i.e., one-hour fire resistant walls and enclosed eaves, double pane windows, and improved vent requirements).

Buildings constructed as part of the Project would be constructed pursuant to current codes for fire prone areas, consistent with the requirements of this Policy.

D. Archaeology

The 1986 Malibu LUP addresses the protection of archaeological and paleontological resources through the following policies, which are relevant to the Project:

- P169 Site surveys performed by qualified technical personnel should be required for projects located in areas identified as archaeologically/paleontologically sensitive. Data derived from such surveys shall be used to formulate mitigating measures for the project.

Cultural resource assessments have been completed for this Project. Two listed archaeological/historic resources were identified in the records search. Only one of these is still present and would be protected and preserved during Project construction. The Project would comply with all federal, state, and County requirements relating to cultural resources, including those set forth in the National Historic Preservation Act of 1966, as amended, CEQA, the California Register of Historical Resources, Public Resources Code Section 5024, and Chapter 3.30 of the Los Angeles County Code. The Project would support numerous 1986 Malibu LCP goals and policies related to cultural resources by avoiding and preserving known archaeological sites on the Project site; monitoring of all ground-disturbing activities around known archaeological sites by archaeological and Native American monitors; conducting Native American consultation and notification; installing a protective fence surrounding site CA-LAN-527 prior to all earth moving activities that occur within 100-feet of the site; incorporating recommendations into the Project approval as appropriate to mitigate impacts to cultural resources; and notifying an archaeologist if archaeological resources are found. Paleontological resources may occur in areas with fairly deep alluvium deposits, which are found at the south end of the site. Excavation to install drainage and wastewater treatment infrastructure could uncover previously undetected paleontological resources; however, mitigation measures provided in Section 5.4, Cultural Resources, of the Project's Draft EIR, would reduce any potential impacts to a less than significant level, consistent with this Policy.

E. Groundwater/Hydrology

The 1986 Malibu LUP addresses the issues of groundwater and hydrology through the following policies, which are relevant to the Project:

- P177 Prohibit excessive grading and fill on lands which are shown to be groundwater recharge areas.

The Project site does not overlie any groundwater basin nor contribute to recharge of any basin. The Project would be consistent with this Policy.

- P178 Minimize the flow of sediment and other polluting materials into groundwater recharge areas.

The Project site does not overlie any groundwater basin nor contribute to recharge of any basin. The Project would be consistent with this Policy.

- P179 Avoid major flood control improvements which would limit water flow to or cover groundwater recharge areas.

The Project site does not overlie any groundwater basin nor contribute to recharge of any basin. The Project would not contain major flood control improvements. The Project would be consistent with this Policy.

- P180 Assure that urban development over groundwater recharge areas minimizes impervious coverage and maximizes the amount of water, which can enter the aquifer zone below ground.

As discussed in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR, the Project site does not overlie any groundwater basin nor does it contribute to the recharge of any basin. The Project would be consistent with this Policy.

Therefore, the Project would be consistent with the goals, policies and objectives of the 1986 Malibu LUP related to land and marine resources, including biological resources, visual resources, hazards, archaeological resources, and groundwater/hydrology resources.

III. PUBLIC WORKS

The 1986 Malibu LUP addresses the issue of public works through the following policies, which are relevant to the Project:

A. Circulation

- P188 Consistent with other policies of the LUP, encourage the development and maintenance of alternative access routes to each mountain and coastal community for use during emergencies such as earthquakes or fires.

The Project's primary access is via Encinal Canyon Road from Pacific Coast Highway; however, the Project site may also be accessed via Decker Canyon Road/Westlake Boulevard from either Pacific Coast Highway or U.S. Highway 101, and Mulholland Highway via Encinal Canyon Road and Kanan Dume Road. For vehicles entering the site, Encinal Canyon Road provides a dedicated left turn queuing lane for northbound traffic, and a right turn deceleration lane approaching Clubhouse Drive for southbound traffic. These lanes are sufficient for the Project and would not be altered as part of the Project. The availability of multiple routes for access satisfies the requirements of this Policy.

- P189 Develop parking facilities for bicycles, motorcycles, and public transit at recreation areas to encourage the use of these modes of transportation.

As required by Code, the Project's parking lot would include spaces that may be used by motorcycles. While the site is not served by public transit, the Project would operate a shuttle service and provide parking for shuttle vans as well as pick up/drop off locations. Bicycle racks would be provided in proximity to the clubhouse and the conference building. The Project would be consistent with this Policy.

- P216c Adequate parking shall be provided for all new development according to the standards attached to this Land Use Plan (see Table 2).

The Project would provide parking as required by Code. The Project's parking lot would include spaces that may be used by motorcycles. While the site is not served by public transit, the Project would operate a shuttle service and provide parking for shuttle vans as well as pick up/drop off locations. Bicycle racks would be provided in proximity to the clubhouse and the conference building. The Project would be consistent with this Policy.

B. Sewer

- P217 Wastewater management operations within Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

The Project would abandon the existing septic systems currently serving the Project site with the exception of a single septic tank that serves the caretaker's residence by Mulholland Highway. Abandonment would be accomplished pursuant to existing regulations for abandonment issued by the County of Los Angeles. The Project would install an on-site wastewater treatment facility designed to retain solids in holding tanks while treating liquid wastes to a level required for the use of recycled water on public golf courses. The system would be operated pursuant to the provisions of the permit issued by the LARWQCB. The remodeled 18-hole golf course would use a "smart" irrigation system, which would use 32% less potable water from the Los Virgenes Municipal Water District than the existing golf course. Replacement of the existing septic system with a modern wastewater treatment facility would serve to protect downstream waters in Trancas Canyon Creek, which discharges directly into the Pacific

Ocean, from coliform bacteria and other toxics that can be the result of septic system malfunction. This proposed system is, therefore, consistent with this Policy.

- P223 The construction of new small package wastewater treatment plants shall be prohibited, except in those areas where this is the desired long-term wastewater management solution selected by the County Engineer-Facilities.

The Project site is located in an area that is not served, and would not be served by a municipal sewer system. Therefore, the Malibu Institute proposes to use an Onsite Wastewater Treatment System (OWTS) that would include a water recycling feature. The proposed OWTS would consist of a sewer network within the proposed 21-acre development area gravity draining the resulting wastewater to a proposed treatment facility installed underground near the information building at the entrance of the Project site on Clubhouse Drive, near Encinal Canyon Road. The OWTS would use a combination of aeration, ultrafiltration, and disinfection to treat effluent to Title 22 standards, which would be suitable for unrestricted, non-potable uses onsite.

Because the Project is not a residential use, the County of Los Angeles would not be obligated to operate, maintain or monitor the proposed treatment facility. Also, as the Project is a commercial use, regulatory agencies could order Project operations to cease in the event of failure of the proposed treatment facility until it was repaired. As such, to ensure the facility would be properly operated, the OWTS would be operated, managed and maintained by the Ventura Regional Sanitation District (VRSD), and the Applicant would post a bond or security to ensure VRSD or its successor will have adequate funds to operate, maintain and monitor the proposed treatment facility.

There are two options for dispersal of the treated effluent/recycled water generated by the OWTS. Under the preferred option, the treated effluent/recycled water would be dispersed as irrigation on the eastern portion of the 122-acre golf course, to supplement potable water supplies currently being used to irrigate. The recycled water would be dispersed either through spray irrigation or subsurface drip lines at least nine inches below ground surface. Under the second option recycled water would be dispersed to a conventional subsurface dispersal system, which would be regulated by the County Department of Public Health, and the treated water would be allowed to percolate to groundwater. Under either dispersal option, the proposed OWTS is the appropriate long-term wastewater management solution for the Project site, as there is no private or public wastewater utility infrastructure in the vicinity that could serve the Project site.

Under the first dispersal option, the Project would provide a unique opportunity to use wastewater treated to Title 22 standards to irrigate a golf course, reducing the demand for potable water supplies. Under the second dispersal option, the treated effluent would be allowed to recharge the groundwater under the Project site.

- P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or

coastal resources will be available for the life of the project beginning when occupancy commences.

See consistency analysis under P223, above.

C. Water Systems

- P233 Continue to require all new developments to demonstrate that an adequate potable water supply is available to each parcel.

The Project would be served by the Las Virgenes Municipal Water District, which has issued a will serve letter for the Project, consistent with this Policy.

- P234 Continue to require all new developments to demonstrate that an adequate water supply for fire protection is available based on the location of development, type of construction, spacing of structures, fire hazards, and so on.

See consistency analysis under P156 and P233, above.

- P235 An on-site water source shall be of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements as determined by the governmental agency having jurisdiction.

See consistency analysis under P233, above.

- P236 All new developments shall be encouraged, where feasible, to best utilize the existing water facilities.

The Project receives potable water from the Las Virgenes Municipal Water District, which has adequate facilities to provide the amount of water required by the Project. In addition, there are six operating groundwater wells on the site, which produce water used for irrigation of the golf course. This supply would be supplemented by recycled water made available through the Project's wastewater treatment facility and recycling program, which would help to reduce the amount of potable water needed for landscape maintenance from the Las Virgenes Municipal Water District, consistent with this Policy.

- P238 Encourage the development of standards and policies that will maximize the beneficial uses of reclaimed water and reduce the need for exploiting domestic water supplies.

The Project would use a wastewater treatment facility to recycle wastewater for use in irrigation of the golf course, maximizing the beneficial uses of reclaimed water and reducing the need for potable water for irrigation, consistent with this Policy.

- P241 Require all new development in existing developed areas to be in accordance with a water conservation program.

The Project would implement water conservation programs including the installation of water-efficient plumbing fixtures and smart irrigation/sprinkler systems and use of recycled wastewater for irrigation consistent with the County's Low Impact Development (LID) requirements and other applicable codes and regulations of the Los Angeles County Code (Ordinance No. 91-0046U). See consistency analysis under PW P178.

As such, the Project would be consistent with the 1986 Malibu LUP related to public works, including circulation, sewer systems and water use.

IV. LAND USE/NEW DEVELOPMENT

The 1986 Malibu LUP addresses the issue of land use through the following policy, which is relevant to the Project:

- P271 New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. The land use plan map is inserted in the inside back pocket. All properties are designated for a specific use. These designations reflect the mandates of the California Coastal Act, all policies contained in this Local Coastal Plan, and the constraints and sensitivities of resources present in the coastal zone. All existing zoning categories will be modified as necessary to conform with and carry out the LCP land use plan.

The Project and its uses are allowed by the Malibu Local Coastal Program Land Use Plan's Rural Land I-III land use designations, consistent with this Policy. Zoning on the Project site is consistent with the Land Use designation in the General Plan and the approved uses on the Project site. See Figure 5.9-1 in the Project's Draft EIR, which illustrates the consistency of the Project with this Policy.

- P271(a)(1) Residential Rural Land. Generally low-intensity, rural areas characterized by rolling to steep terrain usually outside established rural communities. Principal permitted land uses shall include: large lot residential uses. Low-intensity commercial recreational uses, agriculture activities, the less intensively developed or open space portions of urban and rural developments, and lower cost visitor residential and recreational uses designed for short-term visitor use such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional use, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The following maximum residential density shall apply:

Rural Land I – one dwelling unit per ten acres average, consistent with other policies of the LCP.

Rural Land II – one dwelling unit per five acres average, consistent with other policies of the LCP.

Rural Land III – one dwelling unit per two acres average, consistent with other

policies of the LCP.

The Malibu Institute project is consistent with the 1986 Malibu LUP. The Project would remodel the existing 118-acre golf course utilizing design features that would provide an environmentally superior golf course and add an educational facility with overnight accommodations in 40 bungalows to increase visitor access to the Coastal Zone on approximately 20 acres of the 650-acre property. The Project development would occur entirely within the area previously disturbed by the existing golf course. Over 450 acres of the property, consisting mostly of undeveloped hillsides, would be dedicated to a public agency as permanent open space. Improvements to the remodeled golf course would remove approximately 1,590 non-native trees, include sand-capping of the fairways and other measures to promote infiltration of storm water and to improve water quality, install photovoltaic panels with the goal of generating the majority of the Project's energy needs, and construct a wastewater treatment system that would generate approximately 40,000 gallons per day to be used to partially irrigate the remodeled golf course. Overall, the Project would reduce the use of potable water supplied by the Las Virgenes Municipal Water District to the site by approximately 32% and would retain the last public golf course within the Santa Monica Mountains Coastal Zone. The Project also would restore habitats at the existing golf course ponds, which are hydrologically connected with Trancas Creek. The golf course ponds would be temporarily dewatered to eradicate invasive animals, particularly crayfish, and vegetation and sediment would be removed to improve functional capacity and remove any toxins such as pesticides and herbicides that may have accumulated in bottom sediments. The ponds then would be refilled and replanted with native vegetation. As discussed in the Project's Draft EIR, the Project would have a less than significant impact on the environment.

The Project would consist of less new development than would be allowed under the maximum residential density standards of this policy. According to the LUP Map within the 1986 Malibu LUP Land Use Element, the development area and golf course at the Project site are designated as Rural Lands II and III (RL-II, RL-III). The areas located around the development area, comprising the majority of the 650-acre Project site, are designated Mountain Lands (M2) and Rural Lands (RL-I, RL- II, RL-III). The RL-III designation allows for the establishment of visitor-serving, resource-based commercial recreation uses characterized by large open space areas, limited building coverage, and minimal modification of the natural environment.

Two of the principal permitted uses of Rural Lands in the LUP are low-intensity commercial recreational uses and lower cost visitor recreational uses. The Project would create a low-intensity project by limiting development to areas of existing development, and incorporating LEED™ Platinum design principles, such as green roofs, a moisture-sensing irrigation system, solar panels over shade structures in the parking lot, drought tolerant landscaping, waste recycling, development of a transportation system using shuttles to and from area airports for overnight guests and electric vehicles for use throughout the Project site, charging stations for electric vehicles, and a solid waste recycling program which will convert 100% of the restaurant food waste into a usable compost as part of Project operations. The low-intensity

educational retreat therefore would be consistent with the Rural Lands designation.

Furthermore, the zoning for most of the development area, Resort-Recreation (R-R), is consistent with the 1986 Malibu LUP designation. The R-R zone allows for golf courses with clubhouse facilities by right, and hotels, colleges/universities with appurtenant facilities, guest ranches, restaurants and grading projects with a conditional use permit. Accordingly, these uses are consistent within the designated Rural Lands portion of the Project site.

Permitting development of 224,760 square feet on 20 acres within the larger 650-acre Project site (approximately 0.3% of the total property) balances the need for visitor-serving recreational facilities in the Santa Monica Mountains with the protection of sensitive natural resources. The Project would develop structures far below the maximum allowable density. The portion of the site designated Rural Lands II and III in the 1986 Malibu LUP, which consists of approximately 330.5 acres of the 650-acre site, currently could be developed at a maximum land use intensity of 0.3 FAR (Floor to Area Ratio). However, the Project would create 224,760 square feet of development, which constitutes a FAR of just .016. It would allow clustered development in the existing disturbed areas in the southern portion of the Project site, adjacent to Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the Project site consistent with the Land Use Element policies to "enhance recreational opportunities" and "protect the integrity of existing rural communities." The Project would protect the integrity of an existing rural community by providing buildings simple in form, function and architectural character to complement the mountainous character of the surrounding property. Landscaping, including mature oaks trees and other native trees, would screen buildings from Encinal Canyon Road and Mulholland Highway.

The majority of the remaining areas of the property designated as M2 (Mountain Lands) and RLI, II, and III (Rural Land), approximately 450 acres, could potentially be developed with single-family residences and recreational uses. Residential development on these parcels would disturb ESHA and SERA and require large fuel modification buffers. Clustering development on 20 previously disturbed acres, approximately three percent of the 650-acre property, in the southern portion of the property would allow the Project to provide over 450 acres of this undisturbed native habitat as permanently dedicated open space, consistent with the goal of the Malibu LUP to "preserve the unique natural resources and fragile environment of the Malibu/Santa Monica Mountains Coastal Zone for the enjoyment of millions of Los Angeles area residents and visitors."

P273 Development shall conform to Chapter 3, as amended, of the California Coastal Act of 1976.

Chapter 3 of the California Coastal Act contains the policies that constitute the standards by which adequacy of local coastal programs and of proposed developments are determined. With respect to local coastal programs, the applicability of the Chapter 3 policies is limited to the land use plans of the Local Coastal Program. With respect to the Project, Article 3 of this Chapter (Recreation) indicates that the use of private lands

suitable for visitor-serving recreational facilities designed to enhance public recreational activities shall have priority over private residential, general industrial, or general commercial development. Article 5 (Land Resources) of this Chapter, states that environmentally sensitive habitat areas shall be protected and development near them sited and designed to be compatible with the continuance of such areas. Article 6 (Development) requires that new development be located within, contiguous to, or in close proximity to existing developed areas or in areas with adequate public services where it would not have significant adverse effects either individually or cumulatively on coastal resources. The Project conforms to the provisions of Chapter 3 as cited above: it is a visitor serving recreational facility designed to enhance public recreational activities, it preserves both on and offsite environmentally sensitive habitat areas and is located within the footprint of an existing developed area with adequate public services and is therefore consistent with this Policy.

As such, the Project would be consistent with the 1986 Malibu LUP related to land use.

Based on the above analysis, while consistent with the 2014 SMMLCP, the Project also is consistent with the 1986 Malibu Land Use Plan.

**THE MALIBU INSTITUTE
VESTING TENTATIVE TRACT MAP NO. TR 071735
ANALYSIS OF CONSISTENCY WITH THE
2014 SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM**

The County of Los Angeles Department of Regional Planning (DRP) deemed complete the application for VTTM No. TR 071735 for the Malibu Institute (Project) on January 22, 2013. Since then, the DRP has completed an update to the 1986 Malibu Land Use Plan and released for public review the Santa Monica Mountains Local Coastal Program (2014 SMMLCP). The Board of Supervisors approved the 2014 SMMLCP on February 11, 2014. The Coastal Commission held a public hearing and certified the land use plan component of the 2014 SMMLCP on April 10, 2014.

This analysis summarizes the consistency of the Project with the policies, goals and objectives of the 2014 SMMLCP by element and impacts issues discussed in the 2014 SMMLCP.

I. CONSERVATION AND OPEN SPACE ELEMENT

A. Water Quality

The 2014 SMMLCP Conservation and Open Space Element addresses open space and conservation issues pertaining to water quality. Goal CO-1 of the Conservation and Open Space Element is to “[m]aintain, and where feasible, restore biological productivity and coastal water quality appropriate to maintain optimum populations of marine organisms and to protect human health.” Policies identified to achieve this goal include the following:

- Policy CO-2: Site, design, and manage new development and improvements, including – but not limited to – landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume. Review new development and improvements for potential degradation of water quality, and ensure that they meet the requirements of the NPDES Municipal Stormwater Permit’s Low Impact Development (LID) Requirement, included as part of the Local Implementation Program.

The Project is designed to help improve existing water quality within Trancas Canyon, a designated Significant Watershed Area. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources. However, implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County’s MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County’s Low Impact Development (LID) requirement would be required for this Project during construction and operational phases.

Specific BMPs to be implemented include the use of a sand cap under the turf on the golf course, the use of green roofs, the use of vegetated bioswales, and the installation of pervious surfaces in the parking lots and other pathways to increase infiltration of nuisance and storm water runoff as compared to existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

Further, construction phase impacts to site hydrology would be minimized through compliance with the regulatory requirements of the Construction General Permit as implemented by the Project's SWPPP. All grading activities would be limited to the already disturbed or developed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this policy.

- Policy CO-3: To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increases in storm water or dry weather flows.

The Project is designed to help improve existing water quality within Trancas Canyon, a designated Significant Watershed Area. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources. However, implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County's Low Impact Development (LID) requirement would be required for this Project during construction and operational phases.

Specific BMPs to be implemented include the use of a sand cap under the turf on the golf course, the use of green roofs, the use of vegetated bioswales, and the installation of pervious pavement in the parking lots and other pathways to increase infiltration of nuisance and storm water runoff as compared to the existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion

of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

Further, due to a decrease in imperviousness surfaces onsite as a result of implementation of Project design features including green roofs, bioretention including the use of bioswales, pervious surfaces, the volume reduction achieved within the infiltration basins and golf course sand caps, and with implementation of the proposed BMPs, average annual runoff volume would be expected to decrease from 53.7 ac-ft./year in the existing condition to 44.6 acre-feet per year, or approximately 17 percent.

The entire volume from the 85th percentile, 24-hour storm would be mitigated with implementation of the BMPs required or proposed for the Project site, resulting in post-developed peak flows, velocities, and depth/width ratios that are lower than existing conditions and, therefore, consistent with this performance standard.

Construction phase impacts to site hydrology would be minimized through compliance with the regulatory requirements of the Construction General Permit as implemented by the Project's SWPPP. All grading activities would be limited to the already disturbed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this policy.

- Policy CO-4: Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.

The Project is designed to help improve water quality, as discussed in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR. Specifically, the Project would replace the current 185,000 square foot of asphalt parking lot, entrance road and cart paths with pervious surfaces and create bioswales to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. The Project also would construct a sand cap under the turf on the golf course, provide green roofs on certain Project buildings and implement other pathways to increase infiltration of nuisance and storm water runoff. A detention basin also would be located at the south end of the parking lot to improve water quality.

- Policy CO-5: Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.

The Project is designed to help improve water quality within Trancas Canyon, a designated Significant Watershed Area. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources. However, implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4

requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County's Low Impact Development (LID) requirement would be required for this Project during construction and operational phases.

Specific BMPs to be implemented include the use of a sand cap under the turf on the golf course, the use of green roofs, the creation of bioswales, and the installation of pervious surfaces in the parking lots and other pathways to increase infiltration of nuisance and storm water runoff as compared to the existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

See consistency analysis under CO-4, above.

- Policy CO-6: Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site. Where feasible, site and design development, including drainage, to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored where feasible.

During construction of the golf course in the 1970s, flows of Trancas Creek through the golf course were placed in underground culverts and pipes. The Project would daylight some of these flows, while leaving the underground culverts and pipes for flood protection, to avoid potential erosion in the daylighted sections, and eliminate the potential increase in siltation downstream.

The Project is designed to help improve water quality within Trancas Canyon, a designated Significant Watershed Area. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources. However, implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County's Low Impact Development (LID) requirement would be required for this Project during construction and operational phases.

Specific BMPs to be implemented include the use of a sand cap under the turf on the golf course, the use of green roofs, and the installation of pervious surfaces in the parking lots and other pathways to increase infiltration of nuisance and storm water runoff as compared to the existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix

G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

Further, construction phase impacts to site hydrology would be minimized through compliance with the regulatory requirements of the Construction General Permit as implemented by the Project's SWPPP. All grading activities would be limited to the already disturbed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this policy.

A detention basin also would be located at the south end of the parking lot to improve water quality. The Project would remove the majority of existing non-native ornamental landscaping and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle.

- Policy CO-7: Protect water quality by limiting maximum potential buildout in the following Significant Watersheds:

- Arroyo Sequit;
- Trancas Canyon;
- Ramirez Canyon;
- Solstice Canyon;
- Malibu Creek;
- Cold Creek;
- Tuna Canyon;
- Nicholas Canyon;
- Zuma Canyon;
- Latigo Canyon;
- Corral Canyon;
- Dark Canyon;
- Pena Canyon;
- Lower Topanga Canyon.

Trancas Canyon has been added to the list of Significant Watershed Areas (SWA) and the Project is designed to help improve existing water quality within this watershed as discussed in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR. In order to protect water quality within the Trancas Canyon watershed, the Project would limit all development to previously disturbed and/or developed areas of the Project site and would implement a project far below the maximum allowable density for the Project site. The proposed 224,760 square feet of development proposed for the Project is only 5% of the 4,318,974 square feet of development allowed under the 2014 SMMLCP. Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre Project site (approximately 0.3% of the total Project site) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment, including the Trancas Canyon watershed.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the Project site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the existing golf course and its clubhouse, cart barn, maintenance buildings and parking lots while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, which would require the removal of ESHA for not only development of the separate, individual residential estates, but also larger fuel modification buffers, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

In addition, the Project would replace the current 185,000 square foot of asphalt parking lot, entrance road and cart paths with pervious surfaces and create bioswales to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. A vegetated detention basin also would be located at the south end of the parking lot to improve water quality. The Project would remove the majority of the existing non-native ornamental landscaping and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR, pursuant to the goals for this SWA.

- Policy CO-10: Limit grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to create a building site, allow access, and provide fire protection for the proposed development. Monitor grading projects to ensure that grading conforms to approved plans.

All grading activities would be limited to the already disturbed and/or developed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Grading would be required within the already graded and disturbed areas of the existing golf course to create building pads for proposed structures, install needed infrastructure, and remodel the golf course. All cut and fill would be balanced on the Project site. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this policy.

The Project is located within a natural bowl surrounded by steep hillsides and defined ridgelines. Permits for site grading would require a SWPPP and installation and maintenance of BMPs to reduce erosion during the construction phase. Landscaping and buildings would ultimately cover the site and eliminate potential for site-generated erosion. The Project would comply with all required conditions in its grading permit, consistent with the policy.

Upon completion of final grading, the Project site would be landscaped and/or paved with permeable surfaces. Native, drought tolerant species would replace the majority of the existing ornamental landscape and turf on the golf course, which comprises the majority of the Project site.

The Project would reduce the acreage of the golf course from 118 to 107 acres and cluster development on 20 acres in the southern portion of the Project site by Encinal Canyon Road in an area already disturbed by construction and operation of the existing golf course. The Project then would dedicate the remainder of the Project site, which is over 450 acres and contains pristine open space, as permanent open space in the Santa Monica Mountains National Recreation Area in conformance with this policy.

- Policy CO-11: Revegetate prior to the rainy season areas disturbed by development activity. Use locally indigenous plant species outside of Fuel Modification Zone A and avoid non-native invasive species, balancing long-term slope stability and habitat restoration with reduced fuel loads for fire protection.

All grading activities would be limited to the previously disturbed and/or developed portions of the Project site. Stormwater runoff during the Project's construction phase could result in erosion and potential downstream siltation unless mitigated by Best Management Practices (BMPs). See sections Section 5.5, Geology and Soils, and 5.8, Hydrology and Water Quality, of the Project's Draft EIR, which address the content of these BMPs. The Regional Planning Director would confirm the adequacy of these measures to permit grading between October 16 and April 14. BMPs, including silt fences, straw wattles, straw blankets, and hydro-mulching of exposed surfaces, would be used to ensure downstream siltation would not occur as a result of grading during the rainy season.

As required by the County of Los Angeles and the Los Angeles Regional Water Quality Control Board, the Project would implement a Storm Water Pollution Prevention Plan (SWPPP) and comply with the County's MS4 permit requirements, which would include proper BMPs and treatment measures, consistent with this policy.

*The Project would limit removal of native vegetation and would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Project site. Approximately 1,590 non-native trees (palms, eucalyptus, and pines) would be removed, and many native oak and sycamore trees would be planted at the Project site. Over 50% of the non-native trees at the Project site would be removed. No native oaks in the genus *Quercus* would be removed and/or encroached upon by the Project. All new trees planted at the site would be native California trees.*

- Policy CO-12: Prevent the disposal of animal waste, wastewater, and any other byproducts of human, agricultural or equestrian activities in or near any drainage course, or H1 habitat area.

The Project would be required to prepare and implement a SWPPP subject to review and approval by the County and comply with the County's MS4 permit requirements. The SWPPP would include BMPs for controlling and treating polluted runoff in accordance with the requirements of the Los Angeles Regional Water Quality Control Board. The construction and operation of the Project would result in a reduction in minerals and nutrients leaving the Project site as compared to current conditions, as documented in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR, reducing adverse impacts to water quality, consistent with this policy.

The Project would remove the existing 35-year old septic system and construct a below-ground onsite wastewater treatment system (OWTS) that would use a combination of aeration, ultrafiltration, and disinfection to treat effluent to Title 22 standards, which would be suitable for unrestricted, non-potable uses onsite, particularly the golf course.

There are two options for dispersal of the treated effluent/recycled water generated by the OWTS. Under the preferred option, the treated effluent/recycled water would be dispersed as irrigation on the eastern portion of the 107-acre golf course, to supplement potable water supplies currently being used to irrigate. The recycled water would be dispersed either through spray irrigation or subsurface drip lines at least nine inches below ground surface. Under the second option recycled water would be dispersed to a conventional subsurface dispersal system, which would be regulated by the County Department of Public Health, and the treated water would be allowed to percolate to groundwater. Under either dispersal option, the proposed OWTS is the appropriate long-term wastewater management solution for the Project site, as there is no private or public wastewater utility infrastructure in the vicinity that could serve the Project site.

Under the first dispersal option, the Project would provide a unique opportunity to use wastewater treated to Title 22 standards to irrigate a portion of the golf course, reducing the demand for potable water supplies. Under the second dispersal option, the treated effluent would be allowed to recharge the groundwater under the Project site.

No animal waste, untreated wastewater, and any other byproducts of human, agricultural or equestrian activities would be discharged in or near any drainage course, or HI habitat area by the Project.

- Policy CO-13: Require agricultural activities to utilize BMPs to minimize erosion and avoid sediment and pollutant impacts. For all development, require the ongoing maintenance of all design features used to mitigate stormwater runoff.

The Project would be required to prepare and implement a SWPPP and comply with the County's MS4 permit requirements. The SWPPP would include BMPs for controlling and treating polluted runoff in accordance with the requirements of the Los Angeles Regional Water Quality Control Board. The construction and operation of the Project would result in a reduction in minerals and nutrients leaving the Project site as compared to current conditions, as documented in Section 5.8, Hydrology and Water

Quality, of the Project's Draft EIR, reducing adverse impacts to water quality, consistent with this policy.

As required by the County of Los Angeles and the Los Angeles Regional Water Quality Control Board, the Project would implement a SWPPP and comply with the County's MS4 permit requirements, which would include proper BMPs and treatment measures, consistent with this policy.

- Policy CO-14: The use of reclaimed water for any approved agricultural use is required where feasible.

The Project receives potable water from the Las Virgenes Municipal Water District, which has adequate facilities to provide the amount of water required by the Project. In addition, there are six operating groundwater wells on the site, which produce water used for irrigation of the golf course. This supply would be supplemented by recycled water made available through the Project's wastewater treatment facility and recycling program, which would help to reduce by 32% the amount of potable water needed for landscape maintenance from the Las Virgenes Municipal Water District, consistent with this policy.

The Malibu Institute proposes to use an Onsite Wastewater Treatment System (OWTS) that would include a water recycling feature. The proposed OWTS would consist of a sewer network within the proposed 20-acre development area gravity draining the resulting wastewater to a proposed treatment facility installed underground near the information building at the entrance of the Project site on Clubhouse Drive, near Encinal Canyon Road. The OWTS would use a combination of aeration, ultrafiltration, and disinfection to treat effluent to Title 22 standards, which would be suitable for unrestricted, non-potable uses onsite.

Because the Project is not a residential use, the County of Los Angeles would not be obligated to operate, maintain or monitor the proposed treatment facility. Also, as the Project is a commercial use, regulatory agencies could order Project operations to cease in the event of failure of the proposed treatment facility until it was repaired. As such, to ensure the facility would be properly operated, the OWTS would be operated, managed and maintained by the Ventura Regional Sanitation District (VRSD), and the Applicant would post a bond or security to ensure VRSD or its successor will have adequate funds to operate, maintain and monitor the proposed treatment facility.

There are two options for dispersal of the treated effluent/recycled water generated by the OWTS. Under the preferred option, the treated effluent/recycled water would be dispersed as irrigation on the eastern portion of the 107-acre golf course, to supplement potable water supplies currently being used to irrigate. The recycled water would be dispersed either through spray irrigation or subsurface drip lines at least nine inches below ground surface. Under the second option recycled water would be dispersed to a conventional subsurface dispersal system, which would be regulated by the County Department of Public Health, and the treated water would be allowed to percolate to

groundwater. Under either dispersal option, the proposed OWTS is the appropriate long-term wastewater management solution for the Project site, as there is no private or public wastewater utility infrastructure in the vicinity that could serve the Project site.

Under the first dispersal option, the Project would provide a unique opportunity to use wastewater treated to Title 22 standards to irrigate a portion of the golf course, reducing the demand for potable water supplies. Under the second dispersal option, the treated effluent would be allowed to recharge the groundwater under the Project site.

- Policy CO-17: Prohibit non-emergency earthmoving operations during the rainy season (extending from October 15 to April 15). Approved grading shall not be commenced unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after April 15, unless the County determines that completion of grading would be more protective of sensitive environmental resources and would minimize erosion and sedimentation. Erosion control measures shall be required for any ongoing grading project or any completed grading project that is still undeveloped.

All grading activities would be limited to the previously disturbed portions of the Project site. Stormwater runoff during the Project's construction phase could result in erosion and potential downstream siltation unless mitigated by Best Management Practices (BMPs). See Sections 5.5, Geology and Soils, and 5.8, Hydrology and Water Quality of the Project's Draft EIR, which address the content of these BMPs. The Regional Planning Director would confirm the adequacy of these measures to permit grading between October 16 and April 14. BMPs including silt fences, straw wattles, straw blankets, and hydro-mulching of exposed surfaces would be used to ensure downstream siltation would not occur as a result of grading during the rainy season.

As required by the County of Los Angeles and the Los Angeles Regional Water Quality Control Board, the Project would implement a Storm Water Pollution Prevention Plan (SWPPP) and comply with the County's MS4 permit requirements, which would include proper BMPs and treatment measures, consistent with this policy.

- Policy CO-19: Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Use soil stabilization BMPs on disturbed areas as soon as feasible.

All grading activities would be limited to the previously disturbed portions of the Project site. Storm water runoff during the Project's construction phase could result in erosion and potential downstream siltation unless mitigated by Best Management Practices (BMPs). Mitigation measures and regulatory requirements are discussed at length in Sections 5.5, Geology and Soils, and 5.8, Hydrology and Water Quality, of the Project's

Draft EIR, which address the content of these BMPs. The Regional Planning Director would confirm the adequacy of these measures to permit grading between October 16 and April 14. BMPs including silt fences, straw wattles, straw blankets, and hydro-mulching of exposed surfaces would be used to ensure that downstream siltation would not occur as a result of grading during the rainy season.

The Project site has been designed to minimize impacts and alterations of physical features by limiting development to the disturbed footprint of the existing golf course and previous developed areas, including the clubhouse, maintenance building and parking lots.

The Project is located in an upland area of the Santa Monica Mountains within a natural bowl surrounded by steep hillsides and defined ridgelines. Grading would be required within the already graded and disturbed areas of the existing golf course, clubhouse, maintenance buildings and parking lots to create building pads for proposed structures, install needed infrastructure, and remodel the golf course. All cut and fill would be balanced on the Project site, thereby avoiding the need for a haul route along Encinal Canyon Road. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this policy.

Permits for site grading would require a SWPPP and installation and maintenance of BMPs to reduce erosion during the construction phase. Landscaping and buildings would ultimately cover the site and eliminate potential for site-generated erosion. The Project would comply with all required conditions on its grading permit, consistent with the policy.

- Policy CO-21: Natural vegetation buffer areas that protect riparian habitats shall be maintained except as specified in Policy CO-22. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat, but in no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100 foot buffer in one of the following circumstances: (1) to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible consistent with Policy CO-50; (2) for public works projects require to repair or protect existing public roads when there is no feasible alternative consistent with Policy CO-50; (3) for a development on a legal parcel that is the minimum development necessary to provide a reasonable economic use of the property and where there is no feasible alternative consistent with Policy CO-50. Water quality improvements shall be located outside the 100-foot buffer to the maximum extent feasible.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of existing sensitive riparian vegetation, consistent with this policy.

The Project development would occur entirely within the area previously disturbed by the existing golf course. The Project would reduce the acreage of the golf course from 118 to 107 acres and cluster development on 20 acres in the southern portion of the Project site by Encinal Canyon Road in an area already disturbed by construction and operation of the existing golf course. The Project then would dedicate the remainder of the Project site, which is over 450 acres and contains pristine open space, as permanent open space in the Santa Monica Mountains National Recreation Area, consistent with this policy.

- Policy CO-22: Natural vegetation buffer areas that protect riparian habitats shall be maintained except where alteration is necessary to provide access to development approved in a coastal development permit on a legal parcel where no other alternative is feasible. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat, but in no case shall the buffer be less than 100 feet. Water quality improvements shall be located outside the 100-foot buffer to the maximum extent feasible.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of existing sensitive riparian vegetation, consistent with this policy.

The Project development would occur entirely within the area previously disturbed by the existing golf course. The Project would reduce the acreage of the golf course from 118 to 107 acres and cluster development on 20 acres in the southern portion of the Project site by Encinal Canyon Road in an area already disturbed by construction and operation of the existing golf course. The Project then would dedicate the remainder of the Project site, which is over 450 acres and contains pristine open space, as permanent open space in the Santa Monica Mountains National Recreation Area, consistent with this policy.

- Policy CO-24 Access for geologic testing (or percolation or well testing) shall use existing roads or track-mounted drill rigs where feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to only that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible, through grading to original contours, revegetating with native plant species indigenous to the project site, and monitoring to ensure successful restoration. All percolation testing shall take place out of any future planned road access.

The Project's proposed structures would be clustered in the southern portion of the Project site in areas already disturbed by the existing golf course. The Project would use the existing access road, Clubhouse Drive, from Encinal Canyon Road to access the Project. All grading activities would be limited to the previously disturbed and/or developed portions of the Project site. Additional discussion and mitigation measures and regulatory requirements are discussed at length in Sections 5.5, Geology and Soils, and 5.8, Hydrology and Water Quality, of the Draft EIR, which address the content of these BMPs. BMPs including silt fences, straw wattles, straw blankets, and hydro-

mulching of exposed surfaces would be used to ensure that downstream siltation would not occur as a result of grading during the rainy season, consistent with this policy.

All cut and fill would be balanced on the Project site, thereby avoiding the need for a haul route along Encinal Canyon Road. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this Policy.

- Policy CO-25: Participate in the development and implementation of solutions to problems associated with OWTS and their impact on water quality.

The Project would abandon the existing septic system currently serving the golf club with the exception of a single septic tank that serves the caretaker's residence by Mulholland Highway. Abandonment would be accomplished pursuant to existing regulations for abandonment issued by the County of Los Angeles. The Project would install a wastewater treatment facility designed to retain solids in holding tanks while treating liquid wastes to a level required for the use of recycled water on public golf courses. The system would be operated pursuant to the provisions of the permit issued by the LARWQCB. The remodeled 18-hole golf course would use a "smart" irrigation system, which would use 32% less water than the existing golf course. Replacement of the existing septic system with a modern wastewater treatment facility would serve to protect downstream waters in Trancas Canyon Creek, which discharges directly into the Pacific Ocean, from coliform bacteria and other toxics that can be the result of septic system malfunction. This proposed system is, therefore, consistent with this Policy.

- Policy CO-26: Prohibit construction of new small "package" wastewater treatment plants, except in areas where this is the desired long-term wastewater management solution.

The Project site is located in an area that is not served and would not be served by a municipal sewer system. Therefore, the Applicant proposes to use an Onsite Wastewater Treatment System (OWTS) that would include a water recycling feature. The proposed OWTS would consist of a sewer network within the proposed 20-acre development area gravity draining the resulting wastewater to a proposed treatment facility installed underground near the information building at the entrance of the Project site on Clubhouse Drive, near Encinal Canyon Road. The OWTS would use a combination of aeration, ultrafiltration, and disinfection to treat effluent to Title 22 standards, which would be suitable for unrestricted, non-potable uses onsite.

Because the Project is not a residential use, the County of Los Angeles would not be obligated to operate, maintain or monitor the proposed treatment facility. Also, as the Project is a commercial use, regulatory agencies could order Project operations to cease in the event of failure of the proposed treatment facility until it was repaired. As such, to ensure the facility would be properly operated, the OWTS would be operated, managed and maintained by the Ventura Regional Sanitation District (VRSD), and the Applicant would post a bond or security to ensure VRSD or its successor will have adequate funds to operate, maintain and monitor the proposed treatment facility.

There are two options for dispersal of the treated effluent/recycled water generated by the OWTS. Under the preferred option, the treated effluent/recycled water would be dispersed as irrigation on the eastern portion of the 107-acre golf course, to supplement potable water supplies currently being used to irrigate. The recycled water would be dispersed either through spray irrigation or subsurface drip lines at least nine inches below ground surface. Under the second option recycled water would be dispersed to a conventional subsurface dispersal system, which would be regulated by the County Department of Public Health, and the treated water would be allowed to percolate to groundwater. Under either dispersal option, the proposed OWTS is the appropriate long-term wastewater management solution for the Project site, as there is no private or public wastewater utility infrastructure in the vicinity that could serve the Project site.

Under the first dispersal option, the Project would provide a unique opportunity to use wastewater treated to Title 22 standards to irrigate a golf course, reducing the demand for potable water supplies. Under the second dispersal option, the treated effluent would be allowed to recharge the groundwater under the Project site.

- Policy CO-27: Prohibit development of rural areas where established standards by the County and RWQCB cannot be met, such that the cumulative effect of OWTS will negatively impact the environment, either by stream pollution or by contributing to the potential failure of unstable soils.

See consistency analysis under CO-26, above.

- Policy CO-28: In areas with constraints to OWTS, including but not limited to, substandard, antiquated subdivisions and geologic hazard areas, the County Departments of Public Health and Public Works may permit innovative and alternative methods of wastewater treatment and disposal provided that installation, operation, and maintenance of such systems minimize impacts to public health, water quality and natural resources, and are acceptable to the County and to the Regional Water Quality Control Board.

See consistency analysis under CO-25 and CO-26, above.

- Policy CO-29: Require applications for land divisions (except lot mergers or lot line adjustments involving already-developed lots) or for any developments requiring grading of the building site, where sewers will not be provided, to include a report prepared by a California Professional Geologist, a California Certified Engineering Geologist, a California Registered Engineer, California Certified Hydrogeologist, or a California Registered Environmental Health Specialist that addresses the ability of each proposed building site to accommodate an OWTS after the site has been graded.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this Policy. Section 5.8,

Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

The proposed OWTS has been reviewed in an Engineering Feasibility Report, incorporated as part of the Project's EIR. Permits for the construction of the wastewater treatment facilities would be obtained from the Regional Water Quality Control Board and the system would be operated pursuant to the conditions and requirements imposed by the RWQCB.

- Policy CO-30: Site new OWTS and require them to be designed so that impacts to sensitive environmental resources are minimized, including grading, site disturbance, and the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect H1 habitat area and surface waters from lateral seepage from the sewage effluent dispersal systems.

See consistency analysis under CO-25 and CO-26, above.

- Policy CO-31: Channelizations or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative, or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.

The ponds on the existing golf course would be temporarily dewatered, dredged and cleaned to eradicate invasive, non-native aquatic species and improve water quality. The dewatering process would occur over a period of several months to allow the habitat to completely dry. Once water is reintroduced with a new pump system, the re-circulation of water in the ponds would improve water quality on the Project site and downstream and control mosquito populations by eliminating standing water areas, which allow for breeding of mosquitoes. Ultimately, the restoration of the ponds would improve fish and wildlife habitat, particularly for the California newt and the western pond turtle both on the Project site and downstream in the Trancas Creek, consistent with this policy.

- Policy CO-32: Alteration of natural streams for the purpose of stream road crossings shall be prohibited, except where the alteration is not substantial, there is no other feasible alternative to provide access to public recreation areas or lawfully-established development on legal parcels, and the stream crossings is accomplished by bridging. Bridge columns shall be located outside streambeds and banks. Wherever possible, shared bridges shall be used for providing access to multiple home sites. Culverts may be utilized for the crossing of minor drainages lacking beds and banks and riparian

vegetation and where the culvert is sized and designed to not restrict movement of fish or other aquatic wildlife. An in-stream road crossing, such as an "Arizona crossing", shall be modified to a soft-bottom crossing or replaced by a bridge, consistent with Fire Department requirements, when major maintenance or repair activities on the crossing are undertaken.

The Project would not develop stream road crossings.

B. Biological Resources

The 2014 SMMLCP Conservation and Open Space Element addresses the protection of biological resources. The Project proposes substantial design features and other measures to ensure the protection of habitat areas surrounding the development area of the Project site, ensure the success of special status plant and wildlife species and prevent the proliferation of invasive plant and animal species, consistent with overarching Goal CO-2 ("Sensitive Environmental Resource Areas shall be protected against any significant disruption of habitat values. Development in areas within and adjacent to Sensitive Environmental Resource Areas shall be sited and designed to prevent impacts which would significantly degrade these areas and shall be compatible with the continuance of the habitat."). Policies identified to achieve this goal, which are relevant to the Project, include the following:

- Policy CO-35: The areas occupied by existing, legally-established structures, agricultural uses, access roads and driveways and confined animal facilities do not meet the criteria of the H1 or H2 habitat categories.

The Project would comply with all federal, state, regional, and county requirements relating to biological resources, including those set forth in the Clean Water Act, the federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code. The Project would support numerous 2014 SMMLCP goals and policies related to biological resources by the following: preserving natural site elements; enhancing existing riparian areas and restoring degraded streams and ponds; removing invasive biological species and re-introducing native species; daylighting segments of Trancas Creek and minimizing the transport of sediment into Trancas Creek and its tributaries; revegetating graded areas and slopes with native, drought-tolerant plants; preserving all oak and heritage trees; planting hundreds of new oak trees; and limiting existing exterior lighting with lighting that complies with the Dark Skies initiatives.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the existing golf course, clubhouse/cart barn, maintenance buildings and parking lots while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on

previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

In order to minimize grading and cluster the Project within the previously disturbed and/or developed portions of the site, the Project would be located within the same development footprint as the existing Malibu Golf Club. With the exception of the proposed 120 square foot security/information building to be located in the current entrance road near the site entrance, the Project's northernmost and southernmost buildings would occupy the building footprint of existing structures (maintenance facilities, clubhouse/cart barn buildings, and parking lots, respectively), with additional buildings constructed in between.

The Project's proposed development area and the proposed renovated golf course area are not designated as H1, H2 "High Scrutiny", H2 or H3 habitat. No new development would occur within H1 Habitat and the current entrance and access road and asphalt parking lot to the right of the entrance are not H1 habitat under Policy CO-35.

- Policy CO-41: New non-resource-dependent development shall be prohibited in H1 habitat areas in order to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is that two uses may be approved in H1 habitat other than wetlands in very limited circumstances, as follows: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated; and (2) an access road to a lawfully-permitted use outside H1 habitat when there is no other feasible alternative to provide access to public recreation areas or development on a legal parcel, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated. Any new development approved for one of these two uses within woodland or savannah habitat shall protect native trees in accordance with Policy CO-99.

The County shall not approve the development of any non-resource dependent use other than these two uses within H1 habitat, unless such use has first been considered in an LCP amendment that is certified by the Coastal Commission.

See consistency analysis under CO-35, above.

- Policy CO-43: New development shall be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while not conflicting with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, and H3. Priority shall be given to siting development in H3 habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2

habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless otherwise provided in Policy

The Project would be sited entirely within existing developed/disturbed areas of the Project site, therefore avoiding the most biologically-sensitive habitat on the Project site. Fuel modification only would be required in areas that are currently subject to fuel modification in the existing condition.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the existing golf course, clubhouse/cart barn buildings, maintenance facilities, and parking lots, while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

In order to minimize grading and cluster the Project within the previously disturbed and/or developed portions of the site, the Project would be located within the same development footprint as the existing Malibu Golf Club. With the exception of the proposed 120 square foot security/information building to be located in the current entrance road near the site entrance, the Project's northernmost and southernmost buildings would occupy the building footprint of existing structures (maintenance facilities, clubhouse/cart barn buildings, and parking lots, respectively), with additional buildings constructed in between.

The Project's proposed development area and the proposed renovated golf course area are not designated as H1, H2 "High Scrutiny", H2 or H3 habitat. No new development would occur within H1 Habitat and the current entrance and access road and asphalt parking lot to the right of the entrance are not H1 habitat under Policy CO-35.

- Policy CO-44: Preserve, protect, and enhance habitat linkages through limitations in the type and intensity of development and preservation of riparian corridors.

The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving the vast majority of the Project site as natural habitat.

Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of existing sensitive riparian vegetation, consistent with this policy.

- Policy CO-45: Place primary emphasis on preserving large, unbroken blocks of undisturbed natural open space and wildlife habitat areas. As part of this emphasis, all feasible strategies shall be explored to protect these areas from disturbance. Such strategies include, but are not limited to, purchasing open space lands, retiring development rights, clustering development to increase the amount of preserved open space, requiring the dedication of open space conservation easements in all CDPs that include approval of structures within H2 habitat, and minimizing grading and the removal of native vegetation.

The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving the vast majority of the Project site as natural habitat.

The Project's proposed development area and the proposed renovated golf course area are not designated as H1, H2 "High Scrutiny", H2 or H3 habitat. No new development would occur within H1 Habitat and the current entrance and access road and asphalt parking lot to the right of the entrance are not H1 habitat under Policy CO-35.

- Policy CO-46: Encourage the permanent preservation of steep lands (lands over 50 percent slope, as defined in this LCP) [sic] be preserved permanently as open space, preferably through open space dedications to a public agency or a public land conservation agency which has the authority to manage, preserve, or enhance park and open space lands, or, secondarily, through effective easements.

The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site (much of which consists of land over 50 percent slope) would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving

the vast majority of the Project site as large, unbroken blocks of undisturbed natural habitat.

- Policy CO-49: Require development to be sited and designed to protect and preserve important, viable habitat areas and habitat linkages in their natural condition.

See consistency analysis under CO-45 and CO-46, above.

- Policy CO-50: New development shall be prohibited in wetlands with the exception of the following where it has been demonstrated that there is no feasible less-environmentally-damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects: (1) wetlands-related scientific research and wetlands-related educational uses, (2) incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines, and (3) wetland restoration projects where the primary purpose is restoration of the habitat.

The existing golf course ponds would temporarily be drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR, consistent with this policy.

The Project would implement the requirements of the final approved Habitat Mitigation and Monitoring Program to mitigate for permanent impacts to California Department of Fish and Wildlife (CDFW) jurisdictional habitat, United States Army Corps of Engineers (USACE) wetland “waters of the United States”, USACE non-wetland “waters of the United States” at a 2:1 ratio. The Habitat Mitigation and Monitoring Program also would mitigate for permanent and temporary impacts to jurisdictional areas by the restoration of degraded in-kind wetland and riparian habitats, or by a contribution to an in-lieu fee program approved by the DRP, USACE, and the CDFW. All riparian habitat at the ponds would be improved and restored without the existing invasive species.

- Policy CO-54: Use primarily locally-indigenous plant species in landscape areas within Fuel Modification Zones A and B of structure(s) requiring fuel modification. Non-locally-indigenous plants and gardens are allowed in Fuel Modification Zones A and B, with associated irrigation, provided that all efforts are made to conserve water. Invasive plants are strictly prohibited.

The Project would remove the majority of existing non-native ornamental landscaping (palms, eucalyptus, pines) and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing golf course ponds would be drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the

California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Project's Draft EIR, pursuant to the goals for this SWA.

The Project would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Malibu Golf Club, and would remove 1,590 non-native trees (palms, eucalyptus, pines) relocate some non-native pine trees, and plant native oak and sycamore trees at the Project site. Over 50% of the non-native trees at the Project site would be removed. All new trees planted at the site would be native California trees.

The golf course would be planted with non-invasive, drought-tolerant grass species suitable and conducive to the sport of golf, which would not be capable of hybridizing with native grasses in the surrounding habitat. Proposed maintenance of the golf course grasses would include decreased use of herbicides and other similar substances, while using the best available environmentally-friendly products on the market, when required. While the proposed golf course grasses would be drought-tolerant, they would not be native, as indigenous and native grass species would require significantly higher usage of fertilizers, herbicides, insecticides and other potentially toxic chemical substances on the proposed remodeled golf course and also would require increased volumes of irrigated water to ensure survival. The proposed remodeled golf course grasses on the Project site, on balance, would better facilitate the proposed use and minimize potential environmental degradation. Regional Planning would conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the life of the Project.

- Policy CO-58: The use of insecticides, herbicides, anti-coagulant rodenticides, or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains, shall be prohibited, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site.

The Project would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Malibu Golf Club, and would remove 1,590 non-native trees (palms, eucalyptus, pines) and relocate some non-native pine trees, and plant native oak and sycamore trees at the Project site. Over 50% of the non-native trees at the Project site would be removed. All new trees planted at the site would be native California trees.

The golf course would be planted with non-invasive, drought-tolerant grass species suitable and conducive to the sport of golf, which would not be capable of hybridizing with native grasses in the surrounding habitat. Proposed maintenance of the golf course grasses would include decreased use of herbicides and other similar substances, while using the best available environmentally-friendly products on the market, when required. While the proposed golf course grasses would be drought-tolerant, they would not be native, as indigenous and native grass species would require significantly higher usage

of fertilizers, herbicides, insecticides and other potentially toxic chemical substances on the proposed golf course and also would require increased volumes of irrigated water to ensure its survival. The proposed golf course grasses on the Project site, on balance, would better facilitate the proposed use and minimize potential environmental degradation. Regional Planning would conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the life of the Project.

- Policy CO-67: Coastal development permits for the development of uses allowed within or adjoining H1 and H2 habitat shall include an open space conservation easement over the remaining H1 habitat, H1 habitat buffer, or H2 habitat, in order to avoid and minimize impacts to biological resources.

The Project would obtain approval of a coastal development permit. See consistency analysis under CO-45, above.

- Policy CO-68: Channelizations or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative; or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.

The existing golf course ponds would temporarily be drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR, consistent with this policy. The recirculation of water in the ponds also would improve water quality and control mosquito populations by eliminating standing water areas, which allow for breeding of mosquitoes.

- Policy CO-75 (erroneously referred to as CO-77 in the 2014 SMMLCP): Land divisions, including but not limited to lot line adjustments, shall only be permitted in accordance with all applicable policies of the LCP, and where substantial evidence demonstrates that each new parcel being created through subdivision or being reconfigured through a lot line adjustment contains an identified, feasible building site, and any necessary access road thereto that are (1) located outside of H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat, and (2) capable of being developed consistent with other LCP policies and without requiring vegetation removal or thinning for fuel modification in H1 habitat, H1 habitat buffer, and H2 High Scrutiny habitat. In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) that is dedicated or restricted to open space uses (through an open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of building site or access road outside of H1

habitat, H1 habitat buffer, and H2 High Scrutiny habitat is required for the open space parcel(s).

...

The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving the vast majority of the Project site as natural habitat.

The Project's proposed development area and the golf course area are not designated as H1, H2 "High Scrutiny", H2 or H3 habitat. No new development would occur within H1 Habitat and the current entrance and access road and asphalt parking lot to the right of the entrance are not H1 habitat under Policy CO-35.

- Policy CO-76: All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.

The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving the vast majority of the Project site as natural habitat.

Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR.

All grading activities would be limited to the already disturbed and/or developed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Grading would be required within the already graded and disturbed areas of the existing golf course, clubhouse/cart barn buildings, maintenance buildings and parking lots to create building pads for proposed structures, install needed infrastructure, and remodel the existing golf course. All cut and fill would be balanced on the Project site, thereby avoiding the need for a haul route along Encinal Canyon

Road. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this Policy.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of existing sensitive riparian vegetation, consistent with this policy.

No new development would occur within H1 Habitat and the current entrance and access road and asphalt parking lot to the right of the entrance are not H1 habitat under Policy CO-35.

- Policy CO-77: New development in H2 and H3 habitat areas shall be sited and designed to minimize removal of native vegetation and required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of vegetation.

See consistency analysis under CO-54 and CO-75, above.

- Policy CO-80: New development shall be sited and designed to minimize the amount of grading, consistent with the grading requirements of the LCP. Cut and fill slopes shall be minimized by the use of retaining walls, where consistent with all other provisions of the LCP.

See consistency analysis under CO-76, above.

- Policy CO-81: Fencing or walls shall be prohibited within riparian, bluff, or dune habitat, except where necessary for public safety or habitat protection or restoration.

The Project would not construct any new fences or walls within riparian, bluff, or dune habitat. If such fences or walls become necessary to protect public safety or habitat protection or restoration, the Applicant would consult with Regional Planning prior to construction.

- Policy CO-92: Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay, and other native trees. The County shall ensure that new leachfields and seepage pits permitted by the County comply with all applicable Water Resources Control Board requirements. The LCP may be updated, pursuant to an LCP amendment that is certified by the Coastal Commission, to reflect new Water Resources Control Board requirements.

The Project would abandon the existing septic system currently serving the golf club with the exception of a single septic tank that serves the caretaker's residence by Mulholland Highway. Abandonment would be accomplished pursuant to existing regulations for abandonment issued by the County of Los Angeles. The Project would install a wastewater treatment facility designed to retain solids in holding tanks while treating liquid wastes to a level required for the use of recycled water on public golf courses. The system would be operated pursuant to the provisions of the permit issued by the Regional Water Quality Control Board. The remodeled 18-hole golf course would use a "smart" irrigation system, which would use 32% less water than the existing golf course. Replacement of the existing septic system with a modern wastewater treatment facility would serve to protect downstream waters in Trancas Creek, which discharges directly into the Pacific Ocean, from coliform bacteria and other toxics that can be the result of septic system malfunction.

No leachfields would be located within 100 feet and no seepage pits would be located within 150 feet from any stream.

The wastewater treatment system implemented on the Project site would be consistent with Policy CO-92 in that the OWTS would minimize impacts to public health, water quality and natural resources, including existing oak, sycamore, and other native trees.

- Policy CO-94: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low-intensity features, shielded, and cause no light to trespass into native habitat to minimize impacts on wildlife. Night lighting for development allowed in H2 or H3 habitat may be permitted when subject to the following standards. The County shall observe its Dark Skies ordinance as set forth in Policy CO-141 and CO-142.
 - a. The minimum lighting necessary shall be used to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent. All other lighting of driveways or access roads is prohibited.
 - b. Security lighting shall be attached to the residence or permitted accessory structures that is controlled by motion detectors, and is limited to 60 watts, or the equivalent.
 - c. Night lighting for sports courts or other private recreational facilities shall be prohibited except for minimal lighting for equestrian facilities as provided for in CO-103.
 - d. Lighting is prohibited around the perimeter of the parcel or for aesthetic purposes.
 - e. Prior to issuance of a CDP, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction, but may be required to submit a written statement agreeing to any applicable restrictions contained in this subsection.

The Project would be sited and designed to protect public views from County-designated scenic highways and corridors as well as from public trails in the vicinity of the Project site. The Project would replace existing outdoor overhead parking lot lighting with new

lighting complying with the County's Rural Outdoor Lighting District Ordinance that would limit wattage and hours of operation and comply with Dark Skies initiatives.

- Policy CO-96: All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Development shall utilize fire-resistant materials. Alternative fuel modification measures, including but not limited to landscaping techniques to preserve and protect habitat areas, buffers, designated open space, or public parkland areas, may be approved by the Fire Department. All development shall be subject to applicable federal, State and County fire protection requirements.

The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving the vast majority of the Project site as natural habitat.

All grading activities, including grading required for fuel modification, would be limited to the already disturbed and/or developed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Grading would be required within the already graded and disturbed areas of the existing golf course, clubhouse/cart barn buildings, maintenance buildings and parking lots to create building pads for proposed structures, install needed infrastructure, and remodel the existing golf course. All cut and fill would be balanced on the Project site, thereby avoiding the need for a haul route along Encinal Canyon Road. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this policy.

The Project site is located in an area subject to high fire severity hazard; however, the Project's buildings would be designed pursuant to code for fire resistance, some with green roofs that would be irrigated, and all buildings would be fitted with appropriate interior sprinkler systems, and would observe Fire Department required fuel modification zones. The Fire Department has reviewed and approved the preliminary fuel modification plan for the Project. Occupied buildings would be physically separated from areas with highly flammable fuels by paved parking lots and the irrigated golf course. The Project would include fire alarms, firewalls and dampers, and detector devices in accordance with the State Fire Marshall requirements. Fire lane access throughout the development area, adequate turning radii for fire equipment, and turnarounds for fire protection equipment would be incorporated into the Project design subject to review and approval by the Fire Department. The water system would provide adequate fire flow as determined by the County Fire Department, consistent with this policy. Additionally, the Project would create a new helipad with a high-pressure fire

hydrant for use by emergency fire helicopters and other emergency vehicles.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of existing sensitive riparian vegetation, consistent with this policy.

- Policy CO-97: As required by Policy SN-35, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.

See consistency analysis under CO-96, above.

- Policy CO-98: Applications for new development shall include the total acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjoining properties.

See consistency analysis under CO-96, above.

- Policy CO-99: New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 habitat and that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory uses or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

...

The Project would preserve the native trees on the Project site. Furthermore, the Project would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Project site. Approximately 1,590 non-native trees (palms, eucalyptus, and pines) would be removed, some non-native pine trees relocated, and many native oak and sycamore trees would be planted at the Project site.

*Over 50% of the non-native trees at the Project site would be removed. No native oaks in the genus *Quercus* would be removed and/or encroached upon by the Project. All new trees planted at the site would be native California trees.*

- Policy CO-100: New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures:
 - a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees.
 - b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools.
 - c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.

See consistency analysis under CO-99, above.

- Policy CO-101: Any CDP for development that includes impacts to H1, H2 "High Scrutiny" or H2 habitat that are required to be reduced or mitigated through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan that, at a minimum, includes all of the following...

The Project would provide visitor-serving accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the existing golf course, clubhouse/cart barn buildings, maintenance buildings and parking lots, while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

In order to minimize grading and cluster the Project within the previously disturbed and/or developed portions of the site, the Project would be located within the same development footprint as the existing Malibu Golf Club. With the exception of the proposed 120 square foot security/information building to be located in the current

entrance road near the site entrance, the Project's northernmost and southernmost buildings would occupy the building footprint of existing structures (clubhouse/cart barn buildings, maintenance buildings, and parking lots, respectively), with additional buildings constructed in between.

The Project's proposed development area and the proposed renovated golf course area are not designated as H1, H2 "High Scrutiny", H2 or H3 habitat. No new development would occur within H1 Habitat and the current entrance and access road and asphalt parking lot to the right of the entrance are not H1 habitat under Policy CO-35.

The Project would implement the requirements of the final approved Habitat Mitigation and Monitoring Program to mitigate for permanent impacts to California Department of Fish and Wildlife (CDFW) jurisdictional habitat, United States Army Corps of Engineers (USACE) wetland "waters of the United States", USACE non-wetland "waters of the United States" at a 2:1 ratio. The Habitat Mitigation and Monitoring Program also would mitigate for permanent and temporary impacts to jurisdictional areas by the restoration of degraded in-kind wetland and riparian habitats, or by a contribution to an in-lieu fee program approved by Regional Planning, USACE, and the CDFW. All riparian habitats at the ponds would be restored and improved by the removal of existing non-native invasive species.

C. Scenic Resources

The 2014 SMMLCP Conservation and Open Space Element establishes a policy framework for the designation and long-term preservation of open space within the Santa Monica Mountains and addresses associated uses and benefits of scenic views and community character. Scenic resources identified within the Conservation and Open Space Element include Mulholland Highway, noted for its oak woodlands, dramatic geologic features, and long-range views, and Encinal Canyon Road. Goals include the following: the protection of the scenic character of local topographic features, oak woodlands and other unique habitats; maintenance of the scenic character of designated routes, gateways, and vista points along roadways; and limitation of adverse impacts by humans on the scenic environment. Goal CO-5 is to "[r]etain the scenic beauty of the plan area by considering and protecting its scenic and visual qualities as a resource of public importance." The following policies are relevant to the Project:

- Policy CO- 124: The Santa Monica Mountains contain scenic resources of regional and national importance. The scenic and visual qualities of these resources shall be protected and, where feasible, enhanced.

The Project's proposed structures would be designed to be sensitive to the surrounding environment and would work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and/or developed area of the existing golf course, clubhouse/ cart barn buildings, maintenance buildings and parking lots. The Project would locate structures at various elevations that make use of the existing topography and follow the existing contours so the proposed buildings are organized and articulated within the landscape to not stand out in the viewshed. The proposed structures would occupy elevations that are lower than

the identified public viewpoints, and would incorporate design elements that blend the new building designs with the surrounding topography and color palette, such as earth-tone exteriors with wood and stone facades, and green roofs. The Project structures would not exceed the height limitations indicated in the LUP. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed. The Project would not be visible from most of the parkland south of the property because the parkland is at a much lower elevation than the Project site, and is otherwise sheltered by undeveloped ridgelines. While visible from some parklands, the Project would not block or impede views of scenic resources from a designated scenic highway or parklands. Mature landscaping would act as a vegetation buffer around the proposed buildings. Few Project components would be visible from Mulholland Highway and surrounding hillsides due to the sloping nature of the Project site and Project development strategy. Because the development area is located at a much lower elevation than Mulholland Highway, the proposed buildings would not interfere with public views from Mulholland Highway. With its proposed facilities, the Project would be consistent with this Policy.

The Project would replace existing outdoor overhead parking lot lighting with new lighting complying with the County's Rural Outdoor Lighting District Ordinance that would limit wattage and hours of operation and comply with Dark Skies initiatives.

The Project would not alter the "natural landscape". All grading would occur within areas previously disturbed and/or developed during construction of the golf course in the 1970s. The initial historic grading occurred without permits. The proposed grading would not change the natural topography of the Project site.

- Policy CO-125: Protect public views within Scenic Areas and throughout the Coastal Zone. Places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches and state waters that offer scenic vistas of mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas. Scenic Resource Areas do not include areas that are largely developed such as existing predominantly built-out residential subdivisions. Scenic Resource Areas also include the scenic resources identified on Map 3 and consist of Scenic Elements, Significant Ridgelines, and Scenic Routes. In addition to the resources identified on Map 3, the public parkland and recreation areas identified on Map 4 are also considered Scenic Resource Areas.

See consistency analysis under CO-124, above.

- Policy CO-126: Maintain and enhance the quality of vistas along identified Scenic Routes. The following roadways are considered Scenic Routes:
 - Mulholland Scenic Corridor and County Scenic Highway;
 - Pacific Coast Highway (SR-1);
 - Malibu Canyon/Las Virgenes Road County Scenic Highway;

- Kanan Dume Road;
- Topanga Canyon Boulevard (SR-27);
- Old Topanga Canyon Road;
- Saddle Peak Road/Schueren Road;
- Piuma Road;
- Encinal Canyon Road;
- Tuna Canyon Road;
- Rambla Pacifico Road;
- Las Flores Canyon Road;
- Corral Canyon Road;
- Latigo Canyon Road; and
- Little Sycamore Canyon Road.

See consistency analysis under CO-124, above.

- Policy CO-127: Protect public views of designated Scenic Elements and Significant Ridgelines, the ocean, and beaches. The viewshed and line-of-sight to these scenic resources shall also be preserved and protected.

See consistency analysis under CO-124, above.

- Policy CO-128: New development shall be subordinate to the character of its setting.

All grading would occur within areas previously disturbed and/or developed during construction of the golf course in the 1970s. The proposed grading would not change the natural topography of the Project site. See consistency analysis under CO-124, above.

- Policy CO-129: Development shall not encroach into regionally- or locally-significant skylines and significant ridgelines.

See consistency analysis under CO-124, above. The Project's proposed development would not encroach on significant skylines or ridgelines.

- Policy CO-130: Preserve large areas of natural open space of high scenic value by siting development in existing developed areas.

See consistency analysis under CO-124, above. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, many of which contain H1 habitat, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

- Policy CO-131: Site and design new development to minimize adverse impacts on scenic resources to the maximum extent feasible. If there is no feasible building site location on

the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas through measures that may include, but not be limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height, clustering development, minimizing grading, incorporating landscape and building material screening elements, and where appropriate, berming.

See consistency analysis under CO-124 and CO-130, above.

- Policy CO-132: Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.

See consistency analysis under CO-124 and CO-130, above.

- Policy CO-133: New development shall be sited and designed to minimize alteration of natural landforms by:
 - a. Conforming to the natural topography.
 - b. Preventing substantial grading or reconfiguration of the project site.
 - c. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split-level or stepped-pad designs.
 - d. Requiring that manufactured contours mimic the natural contours.
 - e. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
 - f. Minimizing grading permitted outside of the building footprint.
 - g. Clustering structures to minimize site disturbance and to minimize development area.
 - h. Minimizing height and length of cut and fill slopes.
 - i. Minimizing the height and length of retaining walls.
 - j. Cut and fill operations may be balanced on site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

See consistency analysis under CO-124 and CO-130, above.

- Policy CO-134: The length of roads or driveways shall be minimized, except where a longer roads or driveway would allow for an alternative building site location that would be more protective of scenic resources, H1 and H2 habitat areas, or other coastal resources. Driveway slopes shall be designed to follow the natural topography, unless otherwise required by the Fire Department. Driveways that are within or visible from a scenic resource shall be a neutral color that blends with the surrounding landforms and vegetation.

The Project would be accessed via the existing Country Club Drive from Encinal Canyon Road, which is an existing paved street. The Project would maintain off-street parking for the remodeled golf course and the Malibu Institute. The Project would replace the current parking lot with a pervious surface to improve water quality and reduce impacts from first flush contaminants to Trancas Creek. A vegetated detention basin also would be located at the south end of the parking lot to improve water quality. As the parking lot would not be visible from Encinal Canyon Road, a designated county scenic corridor, there would be no visual impacts, consistent with this Policy.

- Policy CO-135: Preserve topographic features of high scenic value in their natural state, including canyon walls, geological formations, creeks, ridgelines, and waterfalls.

The Project would not alter the "natural landscape". None of the Project's structures would break a ridgeline view as seen from public places. High scenic value features such as waterfalls, canyon walls, and creeks would be preserved and protected. Also, see consistency analysis under CO-124 and CO-130, above.

- Policy CO-137: Preserve and, where feasible, restore and enhance individual native trees and native tree communities in areas containing suitable native tree habitat - especially oak, walnut, and sycamore woodlands and savannas - as important elements of the area's scenic character.

*The Project would limit removal of native vegetation and would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Project site. Approximately 1,590 non-native trees (palms, eucalyptus, and pines) would be removed, some non-native pine trees relocated, and many native oak and sycamore trees would be planted at the Project site. Over 50% of the non-native trees at the Project site would be removed. No native oaks in the genus *Quercus* would be removed and/or encroached upon by the Project. All new trees planted at the site would be native California trees.*

- Policy CO-138: New development shall minimize removal of native vegetation.

See consistency analysis under CO-137, above.

- Policy CO-139: Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated prior to the beginning of the rainy season, unless the County Biologist determines that another time would be more advantageous for the long-term success of the vegetation included in the landscaping/revegetation project. All such landscaping/vegetation shall include only native, drought-tolerant plant species that blend with the existing natural vegetation.

All grading would occur within areas previously disturbed and/or developed during construction of the golf course in the 1970s. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this Policy.

*The Project would limit removal of native vegetation and would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Project site. Approximately 1,590 non-native trees (palms, eucalyptus, and pines) would be removed, some non-native pine trees relocated, and many native oak and sycamore trees would be planted at the Project site. Over 50% of the non-native trees at the Project site would be removed. No native oaks in the genus *Quercus* would be removed and/or encroached upon by the Project. All new trees planted at the site would be native California trees.*

The Regional Planning Director would confirm the adequacy of these measures to permit grading between October 16 and April 14. BMPs including silt fences, straw wattles, straw blankets, and hydro-mulching of exposed surfaces would be used to ensure downstream siltation would not occur as a result of grading during the rainy season.

- Policy CO-141: Limit and design exterior lighting to preserve the visibility of the natural night sky and stars, to the extent feasible and consistent with public safety.

The Project would be sited and designed to protect public views from County-designated scenic highways and corridors as well as from public trails in the vicinity of the Project site. Development would be confined to the footprint of the existing golf course, clubhouse/cart barn buildings, maintenance buildings and parking lots. The Project would replace existing outdoor overhead parking lot lighting with new lighting complying with the County's Rural Outdoor Lighting District Ordinance that would limit wattage and hours of operation and comply with Dark Skies initiatives.

- Policy CO-142: Maintain dark skies in the Coastal Zone by reducing light pollution and requiring best available Dark Skies technology in all permitted lighting and compliance with Dark Skies principals and best practices to the maximum extent feasible. Night lighting for sport courts or other private recreational facility shall be prohibited.

See consistency analysis under CO-141, above.

- Policy CO-143: All new structures shall avoid large cantilevers or understories. Cantilevers and understories shall be minimized and covered with materials that blend with the surrounding landscape.

The Project's proposed structures would be consistent in design and work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed, consistent with this Policy. The buildings proposed for the Project site would comply with required height limitations, as noted in Section 3, Project Description, of the Project's Draft EIR.

The Project does not propose any large cantilevers or understories, but if necessary, cantilevers and understories would be minimized and covered with materials that blend with the surrounding landscape.

- Policy CO-144: New development shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly-reflective materials shall be prohibited, with the exception of solar panels.

The Project's proposed structures would be designed to be sensitive to the surrounding environment and would work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course, clubhouse/cart barn buildings, maintenance buildings and parking lots. The Project would locate structures at various elevations that make use of the existing topography and follow the existing contours so the proposed buildings are organized and articulated within the landscape to not stand out in the viewshed. The proposed structures would occupy elevations that are lower than the identified public viewpoints, and would incorporate design elements that blend the new building designs with the surrounding topography and color palette, such as earth-tone exteriors with wood and stone facades. The Project structures would not exceed the height limitations indicated in the LUP. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed.

- Policy CO-145: Solar panels shall be sited and designed to protect public views by minimizing site disturbance and the removal of native vegetation. Solar panels shall be sited on the rooftops of structures where feasible.

Solar panels for the Project would be located over shade structures in the parking lot and would not be visible from Encinal Canyon Road, a designated County scenic corridor, there would be no visual impacts from the solar panels, consistent with this Policy.

- Policy CO-149: Fences, gates, and walls shall be designed to incorporate veneers, texturing, and/or colors that blend in with the surrounding natural landscape, and shall not present the appearance of a bare wall.

See consistency analysis under CO-144, above. The Project's proposed fences, gates and walls would be constructed in earth-tone to create a built environment compatible with the natural setting and maintaining the surrounding viewshed, consistent with this Policy.

- Policy CO-150: Fences, gates, walls, and landscaping shall minimize impacts to public views of scenic areas, and shall be compatible with the character of the area.

See consistency analysis under CO-144 and 149, above.

- Policy CO-151: Limit height of retaining walls by using stepped or terraced retaining walls, with plantings in-between. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.

Use of retaining walls would be minimized and when necessary, the height of retaining wall would be limited and terraced with vegetation between walls.

- Policy CO-154: Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by:
 - a. Clustering the building sites to minimize site disturbance and maximize open space.
 - b. Prohibiting building sites on ridgelines.
 - c. Minimizing the length of access roads and driveways.
 - d. Using shared driveways to access development on adjacent lots where feasible.
 - e. Reducing the maximum allowable density in steeply sloping and visually sensitive areas.
 - f. Minimizing grading and alteration of natural landforms.

See consistency analysis under CO-75, above.

D. Recreation and Trails

The 2014 SMMLCP Conservation and Open Space Element describes the various public and private recreational opportunities in the Santa Monica Mountains and provides guidelines for expanding recreational opportunities and visitor-serving accommodations while protecting habitat. The Project was designed to ensure continuation of an existing, public access, 18-hole golf course and to provide an educational retreat with visitor-serving accommodations in the Coastal Zone. Specific policies and standards are set forth to further Goal CO-6 to “provide maximum public access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.” The following policies are relevant to the Project:

- Policy CO-155: The beaches, parklands and trails located within the LUP area provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, State and national importance.

The Project would improve recreational opportunities within the Santa Monica Mountains National Recreation Area by remodeling an existing, public access, 18-hole golf course that has served the public and visitors to the Santa Monica Mountains Coastal Zone for decades and expanding the services and facilities available visitors to include an educational retreat, overnight accommodations in 40 bungalows, a wellness center and an expanded clubhouse. The Project would allow the continuation of the only public golf course in the Santa Monica Mountains Coastal Zone. While the golf course

would remain available to the general public, the availability of restaurants, a snack bar, and other amenities would serve the needs of overnight guests while also providing access to public facilities for the public, including hikers and bicycle riders using nearby trails or the proposed Class 3 bike lane between Mulholland Highway and Pacific Coast Highway. With its proposed facilities, the Project would be consistent with this Policy.

- Policy CO-156: Encourage a full range of recreational experiences to serve local, regional and national visitors with diverse backgrounds, interests, ages, and abilities, including the transit dependent and the physically challenged.

The Project is a privately owned and managed project located in the Santa Monica Mountains National Recreation Area (SMMNRA). Currently, the Project site provides recreational opportunities through a public golf course, clubhouse and restaurant. The Project would remodel the existing golf course, which would remain open to the public, and would add additional amenities including an education retreat with overnight accommodations in 40 bungalows, which would add to and/or support the recreational uses available in the SMMNRA, consistent with this Policy. The Project would allow the continuation of the only public golf course in the Santa Monica Mountains Coastal Zone.

- Policy CO-159: Lower-cost visitor-serving and recreational facilities, including overnight accommodations, shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

See consistency analysis under CO-155, above. The Project's proposed structures would be designed to be sensitive to the surrounding environment and would work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course, clubhouse/cart barn buildings, maintenance buildings, and parking lots.

The Project would locate structures at various elevations that make use of the existing topography and follow the existing contours so the proposed buildings would be organized and articulated within the landscape to blend with the viewshed. The proposed structures would occupy elevations that are lower than the identified public viewpoints, and would incorporate design elements that blend the new building designs with the surrounding topography and color palette, such as earth-tone exteriors with wood and stone facades. The project structures would not exceed the height limitations indicated in the LUP. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep

slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed.

The Project would not be visible from most of the parkland south of the property because the parkland is at a much lower elevation than the Project site, and is otherwise sheltered by undeveloped ridgelines. While visible from some parklands, the Project would not block or impede views of scenic resources from a designated scenic highway or parklands. Mature landscaping would act as a vegetation buffer around the proposed buildings. Few Project components would be visible from Mulholland Highway and surrounding hillsides due to the sloping nature of the Project site and Project's design. Because the development area is located at a much lower elevation than Mulholland Highway, the proposed buildings would not interfere with public views from Mulholland Highway. With its proposed facilities, the Project would be consistent with this Policy.

- Policy CO-169: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall be given priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. New visitor-serving commercial uses shall not displace existing low-cost visitor-serving commercial recreational uses unless a comparable low-cost visitor-serving commercial recreational use is provided.

The Project is a private commercial recreational facility (a golf course) open to the public. The alternative use for the Project site based on its zoning and general plan designation is for large and very large lot residential estate development. Continuation and improvement of the golf facilities and the addition of educational facilities, overnight guest accommodations, and related uses rather than development of residential uses is consistent with this Policy.

- Policy CO-170: Locate development of visitor-serving commercial recreational facilities at sites which provide convenient public access, adequate infrastructure, sufficient and safe parking, and that are designed to enhance public opportunities for recreation.

See consistency analysis under CO-155, above. The Project would remodel an existing golf club that would retain its existing use and public access while increasing the facilities available on the site, all within the existing disturbed and/or developed footprint of the original golf course. The Project site is accessed primarily from Encinal Canyon Road via Pacific Coast Highway and/or Mulholland Highway. No change in access is anticipated.

The site is accessed by public streets and would contain adequate, convenient parking and adequate infrastructure to serve the Project. Additions to the Project site include overnight guest accommodations, a clubhouse/wellness facility, educational meeting space/restaurant, a pro shop with an indoor driving range, and related amenities that would serve not only the Malibu Institute but the general public and Coastal Zone visitors, including hikers and bike enthusiasts using the future Class 3 bike land on

Encinal Canyon Road between Pacific Coast Highway and Mulholland Highway, consistent with the intent of this Policy.

- Policy CO-171: Allow visitor-serving commercial recreational uses near public parklands and recreation areas only if the development does not overload nearby recreation areas. This shall be determined by the scale and intensity of the proposed use and the compatibility with the character of the nearby parkland and recreation area.

The Project's facilities would be available to the public and would provide support for hikers and bikers utilizing the Backbone Trail in the Santa Monica Mountains National Recreation Area and the Class 3 bike lane on Encinal Canyon Road, consistent with this Policy.

The Project would remodel an existing golf course that would retain its existing use and public access while increasing the facilities available on the site, all within the existing disturbed and/or developed footprint of the original golf course. The Project site is accessed primarily from Encinal Canyon Road via Pacific Coast Highway and/or Mulholland Highway. No change in access is anticipated. As discussed in the Project's Draft EIR and the Project's traffic study, which was approved by County Public Works, the Project would have a less than significant impact on traffic and circulation.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the golf course and its clubhouse/cart barn buildings, maintenance buildings, and parking lots, while maintaining the rural nature of the rest of the Project site. The Project is designed to blend with the surrounding environment, using earth-tone colors on the buildings and nestling structures into slopes to minimize the visual impacts of the Project.

- Policy CO-172: Provide adequate parking to serve recreation uses. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

Although the Project would satisfy Code-required parking, in order to cluster the buildings in the southern portion of the 650-acre property and allow the dedication of over 450 acres of permanent open space, the Project cannot satisfy Code-required parking on each respective lot, i.e., the golf course lot and the building lot, and, instead would provide shared parking between lots.

The Project would provide parking for visitors and employees on the Project site. The Project would provide charging stations for electric vehicles and a shuttle service to and from area airports for overnight guests. In addition, the Project would install bicycle stalls to serve guests and employees who may bicycle to work.

- Policy CO-173: New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal

access and recreation. Off-street parking for private use shall be adequate for the use, but may be reasonably restricted to protect existing uses or public safety where it is demonstrated that the proximity to a public area with a parking fee is causing the private area to be used for parking instead of the public parking area.

See consistency analysis under CO-172, above.

E. Archaeological, Paleontological, and Historic Cultural Resources

The 2014 SMMLCP Conservation and Open Space Element addresses the protection of historical and culturally significant resources that contribute to community identity and a sense of history. Goal CO-8 is the “[p]reservation of the area’s rich and diverse archaeological, paleontological and historic cultural resources.” The following policies are relevant to the Project:

- Policy CO-199: Protect and preserve archaeological, historical, and paleontological resources from destruction, and avoid and minimize impacts to such resources.

Cultural resource assessments have been completed for this Project. Two listed archaeological/historic resources were identified in the records search. Only one of these is still present and would be protected and preserved during site construction. The Project would comply with all federal, state, County, and City requirements relating to cultural resources, including those set forth in the National Historic Preservation Act of 1966, as amended, CEQA, the California Register of Historical Resources, Public Resources Code Section 5024, and Chapter 3.30 of the Los Angeles County Code. The Project would support numerous 2014 SMMLCP goals and policies related to cultural resources by avoiding and preserving known archaeological sites on the Project site; monitoring of all ground-disturbing activities around known archaeological sites by archaeological and Native American monitors; conducting Native American consultation and notification; installing a protective fence surrounding site CA-LAN-527 prior to all earth moving activities that occur within 100-feet of the site; incorporating recommendations into the Project approval as appropriate to mitigate impacts to cultural resources; and notifying an archaeologist if archaeological resources are found. Paleontological resources may occur in areas with fairly deep alluvium deposits, which are found at the south end of the site. Excavation to install drainage and wastewater treatment infrastructure could uncover previously undetected paleontological resources; however, mitigation measures provided in Section 5.4, Cultural Resources, of the Project’s Draft EIR, would reduce any potential impacts to a less than significant level, consistent with this Policy.

- Policy CO-201: Regulate landform alteration to ensure minimal disturbance of known archaeological and historic cultural sites. New development on sites identified as archaeologically sensitive shall include onsite monitoring of all grading, excavation, and site preparation that involve earthmoving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).

See consistency analysis under CO-199, above.

- Policy CO-203: New development within archaeologically-sensitive areas shall implement appropriate mitigation measures, designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.

See consistency analysis under CO-199, above.

- Policy CO-204: Preserve and protect cultural resources and traditions that are of importance to Native Americans, including the Chumash and Gabrielino/Tongva peoples.

See consistency analysis under CO-199, above.

- Policy CO-206: Notify all appropriate agencies, including Native American tribes, and the Department of Regional Planning of archaeological or paleontological resources discovered during any phase of development construction to ensure proper surface and site recordation and treatment.

See consistency analysis under CO-199, above.

II. SAFETY AND NOISE ELEMENT

The 2014 SMMLCP Safety and Noise Element also describes natural and man-made hazards that may affect existing and future residents and provides guidelines for protecting public health and safety. Goal SN-2 of the Safety and Noise Element is to create “[a] built environment and flood management system that respects natural hydrological processes to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption.” Relevant policies identified to achieve this goal include the following:

A. Seismic and Non-seismic Geological Hazards

The 2014 SMMLCP Safety and Noise Element describes the various natural and man-made hazards, including seismic and non-seismic geological hazards, that exist in the area and provides guidelines for protecting public health and safety. Goal SN-1 of the Safety and Noise Element is to create and maintain “[a] built environment designed and engineered to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss and social dislocation due to seismic- and non-seismic-induced geologic phenomena.” Specific policies and standards are set forth to minimize risks from identified seismic and non-seismic geologic hazards, which include earthquakes, mass wasting events (e.g., rockfalls, landslides, slumps) and liquefaction. The following 2014 SMMLCP policies relate to geology and soils issues applicable to the Project:

- Policy SN-1: All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. Geologic hazards related to the Project are evaluated in Section 5.5, Geology and Soils, of the Project's Draft EIR. With compliance with current building, grading, and structural codes, impacts would be reduced to less than significant levels, consistent with this Policy.

- Policy SN-2: On ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where there is substantial evidence, provided by the applicant and confirmed by the Los Angeles County Department of Public Works, that the project provides an adequate factor of safety.

See consistency analysis of SN-1, above.

- Policy SN-4: In the placement of new development, emphasize avoiding areas susceptible to seismic and non-seismic geologic hazards, even when engineering solutions are available.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. The Project would remove and replace undocumented fill with engineered fill, and over-excavate and re-compact soils. The existing slopes within much of the area proposed for new development are relatively flat, and no evidence of pre-existing slope instability was encountered during geotechnical studies for the Project. As discussed above, the Project would minimize risks associated with natural hazards through the incorporation of a variety of safety features. See consistency analysis of SN-1, above.

The Seismic Hazards Zone Map (SHZM) indicates the development area portion of the Project site does not lie within an area designated as prone to future earthquake-induced landslides or in an area of previous landslide occurrence.

- Policy SN-5: Prohibit grading and brushing in areas that have a slope of 50 percent or greater and limit grading in areas with a slope of over 25 percent.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. The Project would remove and replace undocumented fill with engineered fill, and over-excavate and re-compact soils. The existing slopes within much of the area proposed for new development are relatively flat, and no evidence of pre-existing slope instability was encountered during geotechnical studies for the Project. As discussed above, the Project would minimize risks associated with natural hazards through the incorporation of a variety of safety features. See consistency analysis of SN-1, above.

The Project would be sited almost entirely within existing developed/disturbed areas of the Project site, therefore limiting and/or avoiding development on slopes greater than 25 percent. As part of the Project over 450 acres of native habitat surrounding the golf course (much of which consists of land over 50 percent slope) would be left undisturbed and would become permanently dedicated open space, thereby maximizing the preservation of large, unbroken blocks of undisturbed natural open space.

- Policy SN-10: Prohibit land divisions, including lot line adjustments, unless all proposed parcels can be demonstrated to be safe from flooding, erosion, and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.

Thorough geotechnical investigations have been conducted for the Project. The County of Los Angeles Department of Public Works approved the Geotechnical Investigation for the Project on August 19, 2013. With compliance with current building, grading, and structural codes, impacts would be reduced to less than significant levels, consistent with this Policy.

Based on the Project's Drainage Concept/Hydrology Plan, which the County of Los Angeles Department of Public Works approved on October 22, 2013, the only areas of the Project site potentially subject to flood in a 25, 50, and 100-year storm event are located within the golf course, well below and at a substantial distance from any proposed occupied structure, as illustrated in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR, consistent with this Policy.

B. Flood Hazards

The Project would support numerous 2014 SMMMLCP goals and policies related to flood hazards by the following: maintaining existing drainage patterns; designing flood control facilities that promote safety and minimize the alteration of natural stream channels; providing for stormwater infiltration; integrating detention basins into the Project's landscaping plan, including the use of vegetated bioswales, pervious pavement and green roofs; ensuring structures are not placed within the 100-year floodplain and no development occurs within a floodway. Goal SN-2 of the Safety and Noise Element encourages "[a] built environment and flood management system that respects natural hydrological processes to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss, and social disruption."

See Section I, Part A (Conservation and Open Space Element – Water Quality) for Flood Hazard analysis related to the Project.

- Policy SN-11: Site, design and size all new development to minimize risks to life and property from flood hazard.

Based on the Project's Drainage Concept/Hydrology Plan, which the Department of Public Works approved on October 22, 2013, the Project would not place housing or

other structures within the Capital Flood hazard limits. No obstructions that would impede or redirect flood flows would be created. Neither people nor structures would be exposed to loss, injury or death as a result of onsite flooding within the golf course.

The only areas of the Project site potentially subject to flood in a 25, 50, and 100-year storm event are located within the golf course, well below and at a substantial distance from any proposed occupied structure, as illustrated in Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR, consistent with this Policy.

- Policy SN-12: Prohibit construction that could impede storm flows within floodways or floodplains.

See consistency analysis under SN-11, above.

- Policy SN-13: Prohibit development within flood hazard areas, unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.

See consistency analysis under SN-11, above.

- Policy SN-14: Require retention of drainage courses in their natural state, and development designs that maintain natural flow.

During construction of the golf course in the 1970s, flows of Trancas Creek through the golf course were placed in underground culverts and pipes. The Project would daylight some of these flows, while leaving the underground culverts and pipes for flood protection, to avoid potential erosion in the daylighted sections, and eliminate the potential increase in siltation downstream.

The Project is designed to help improve water quality within Trancas Canyon, a designated Significant Watershed Area. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources. However, implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County's Low Impact Development (LID) requirement would be required for this Project during construction and operational phases.

Specific BMPs to be implemented include the use of a sand cap under the turf on the golf course, the use of green roofs, and the installation of pervious surfaces in the parking lots and other pathways to increase infiltration of nuisance and storm water runoff as compared to the existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix

G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

Further, construction phase impacts to site hydrology would be minimized through compliance with the regulatory requirements of the Construction General Permit as implemented by the Project's SWPPP. All grading activities would be limited to the already disturbed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this policy.

A vegetated detention basin also would be located at the south end of the parking lot to improve water quality by collecting and filtering all parking lot run-off. The Project would remove the majority of the existing non-native ornamental landscaping (palms, eucalyptus, pines) and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle.

- Policy SN-15: New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

See consistency analysis under CO-2, above.

The Project would undertake significant measures to improve drainage at the site, to minimize impervious surfaces and to maximize the retention and infiltration of run-off at the Project site. With implementation of the Project's comprehensive site design, source control BMPs, and treatment control strategy, there would be less runoff from the development area than in the existing condition. Pervious surfaces will replace over 50 percent of currently paved areas that are now impervious, increasing the amount of infiltration available on the site.

The storm flows thus captured and infiltrated reduce the need for mechanical irrigation on the Project site, and in particular the golf course, and support the reestablishment of native vegetation, allowing for an integrated approach to the protection of water quality and the reuse of water resources.

Additionally, the Project would be consistent with the County's LID policies with incorporation of County-approval LID best management practices (BMPs) and hydromodification BMPs. The proposed BMPs would be designed to conserve watershed resources and help reduce the impacts of development. The Project would comply with all state and County requirements relating to water quality, including NPDES and LID requirements. The Project would support numerous 2014 SMMLCP policies related to

water quality by the following: complying with NPDES permit requirements and implementing a SWPPP during construction; complying with applicable TDML standards; minimizing water pollution, soil erosion and sedimentation; introducing vegetated swales; and implementing LID techniques. Adequate setbacks and/or buffers would be provided to protect habitat areas and ensure appropriate separation from the developed areas of the site.

- Policy SN-16: New development shall not increase peak stormwater flows.

Due to a decrease in imperviousness surfaces onsite as a result of implementation of Project design features including green roofs, bioretention including the use of bioswales, pervious surfaces, the volume reduction achieved within the infiltration basins and golf course sand caps, and with implementation of the proposed BMPs, average annual runoff volume would be expected to decrease from 53.7 acre-feet/year in the existing condition to 44.6 acre-feet per year (approximately 17 percent).

The entire volume from the 85th percentile 24-hour storm would be mitigated with implementation of the BMPs required or proposed for the Project site, resulting in post-developed peak flows, velocities, and depth/width ratios that are lower than existing conditions and, therefore, consistent with this policy.

C. Fire Hazards

The 2014 SMMLCP Safety and Noise Element describes the fire hazards that exist in the area and provides guidelines for protecting public health and safety. Goal SN-1 of the Safety and Noise Element is to create and maintain “[a] built environment designed and engineered to minimize the potential for loss of life, physical injury, environmental disruption, property damage, economic loss and social dislocation due to wildland fire.” The following 2014 SMMLCP policies relate to geology and soils issues applicable to the Project:

- Policy SN-19: Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.

The Project site is located in an area subject to high fire severity hazard; however, the Project’s buildings would be designed pursuant to code for fire resistance, have green roofs that would be irrigated, would be fitted with appropriate interior sprinkler systems, and would observe Fire Department required fuel modification zones. The Fire Department has reviewed and approved the preliminary fuel modification plan for the Project. Occupied buildings would be physically separated from areas with highly flammable fuels by paved parking lots and the irrigated golf course. The Project would include fire alarms, firewalls and dampers, and detector devices in accordance with the State Fire Marshall requirements. The Project’s proposed buildings would have fire retardant roofing in compliance with the County Code, consistent with this Policy. Fire lane access throughout the development area, adequate turning radii for fire equipment, and turnarounds for fire protection equipment would be incorporated into the Project design subject to review and approval by the Fire Department. The water system would

provide adequate fire flow as determined by the Fire Department, consistent with this Policy. Additionally, the existing sub-standard helicopter landing area used for emergency purposes will be relocated on-site with a helipad complete with a high-pressure fire hydrant.

The Project is designed so the proposed development and the required fuel modification areas provide a setback at least 50 feet from the outer limit of existing sensitive riparian vegetation, consistent with this policy. All grading activities, including grading required for fuel modification, would be limited to the already disturbed portions of the Project site.

The Project would include the removal of non-native ornamental landscaping and would plant native, drought tolerant species as required within ESHAs and Significant Watersheds. Species used would comply with fire safety requirements, including requirements for fuel modification in the vicinity of occupied structures, consistent with this Policy.

The Applicant would prepare and submit an emergency response plan for approval by the County of Los Angeles Fire Department, which will include mapping of site access and emergency exits, evacuation routes for vehicles and pedestrians, and locations of the nearest hospitals and fire stations. Further, all Project construction managers and supervisory personnel would be trained in emergency response and fire safety operations.

- Policy SN-20: Design and site new development in a manner than minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.

See consistency analysis under SN-19, above.

D. Hazardous and Toxic Materials

The 2014 SMMLCP Safety and Noise Element describes the various natural and man-made hazards that exist in the area and provides guidelines for protecting public health and safety. Specific goals and policies are set forth to minimize risks from identified hazards and address emergency response services. Goal SN-6 of the Safety and Noise Element strives for “[a] land, air, and water environment with minimal cumulative impacts from the use of toxic and hazardous materials. The Project would minimize the use of hazardous materials on the Project site. The following policy in the 2014 SMMLCP relates to environmental safety issues and is applicable to the Project:

- Policy SN-39: Protect the area's residents, workers, and visitors from the risks inherent in the transport, distribution, use, and storage of hazardous materials and hazardous wastes, recognizing that the use of these materials is necessary in many parts of society.

No hazardous waste would be transported, used or stored on the Project site. The golf course grasses require certain limited amounts of pesticides and fertilizers for golf

course maintenance, which will be stored on-site in approved OSHA and EPA lockers, climate controlled with spill containment and alarm systems. The grasses would be non-invasive drought-tolerant, but not be native, as indigenous and native grass species would require significantly higher usage of fertilizers, herbicides, insecticides and other potentially toxic chemical substances on the golf course and also would require increased volumes of irrigated water to ensure its survival. The proposed golf course grasses, on balance, would better facilitate the proposed use and minimize potential environmental degradation. Regional Planning would conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the life of the Project.

The Project would comply with all relevant federal, state, regional, and county requirements relating to environmental safety. The Project would also support the 2014 SMMLCP policy related to environmental safety by: acquiring, handling, using, storing, and disposing of all hazardous materials in accordance with applicable requirements; establishing a demolition contract that provides for the abatement or management of asbestos and lead-based paint in accordance with applicable laws and regulations; coordinating with the county to ensure implementation of requirements for development in proximity to active and abandoned oil wells; and preparing an emergency response and/or evacuation plan.

E. Noise Hazards

The 2014 SMMLCP Safety and Noise Element includes noise management policies to achieve and maintain land uses compatible with existing and future environmental noise levels, consistent with Title 12 of the County Code. Goal SN-7 of the Safety and Noise Element is the creation and maintenance of “[n]oise sensitive lands and land uses, wildlife habitats, and public lands that are shielded from excessive mobile and stationary noise.” The following policies related to noise are relevant to the Project:

- Policy SN-41: Require development projects to demonstrate that: 1) no adverse noise effects on adjacent uses will occur from the project, 2) no adverse effects on the project will occur from adjacent influences, and 3) that provisions of the County Noise Ordinance can be met by the project.

As discussed in Section 5.10, Noise, of the Project’s Draft EIR, construction and operation of the Project would not result in significant noise impacts to nearby residential areas. Only limited residential uses are located in proximity to the Project site. The nearest sensitive receptors to the Project are residences accessed via Mulholland Highway and located west of the Project development area at a minimum distance of 1,200 feet from the proposed development area. Due to the distance of the Project from any sensitive receptors, all possible short-term construction noise would be atmospherically attenuated and, therefore, the Project would not result in any short-term noise impacts during construction. The Project would equip construction equipment with mufflers, limit the hours of construction-related activities, stage construction at least 500 feet from the nearest homes; and limit hours for outdoor amplification. The Project would use hybrid and electric maintenance equipment reducing the noise from the

existing gasoline powered mowers and blowers. Further, the Project would not cause any roadway segment adjacent to the Project site to exceed the +3 dB CNEL significance threshold. Based on the noise analysis and modeling prepared for the Project and included as an Appendix to the Draft EIR, noise impacts generated by Project traffic on Encinal Canyon Road on residential development along the right-of-way would be less than significant.

The Project would comply with all federal, state, and county requirements relating to noise, including the noise compatibility guidelines for general land use planning adopted by the State of California, the Noise Control Ordinance of the County of Los Angeles, and the Los Angeles County Vibration Standards.

- Policy SN-43: Prohibit, wherever feasible, new development or land uses within any natural area or sensitive land use from increasing the ambient noise levels by more than 3 dBA CNEL. If infeasible, noise impacts shall be mitigated.

See consistency analysis of SN-41, above.

- Policy SN-47: Locate noise-tolerant uses within developed areas. Encourage sensitive building orientation, placing the most noise-tolerant portions of a project between sensitive portions and the noise source, and architectural design as the noise management strategies preferred over constructing noise barriers.

See consistency analysis of SN-41, above.

- Policy SN-48: Private helicopter pads are prohibited. Locate new public helicopter pads to limit noise impacts on residential areas and public parklands. Prohibit private pads and stops except where needed for emergency services.

The existing helipad at the Project site would be relocated to a safer area preferred by the County Fire Department on an existing cleared pad adjacent to the golf course and a high-pressure fire hydrant would be added in the vicinity of the helipad for the purpose of filling helicopter water tanks during emergency wildland fire-fighting activities. The relocation of the emergency use helipad would increase the site's defensibility from wildfires by providing a designated location for County Fire Department helicopters to acquire water for water drops. Additionally, the existing golf course ponds would continue to be a source of emergency water for the Fire Department helicopters. The relocated helipad would be used only by the Fire Department or Sheriff's Department for life-safety protection, consistent with Policy SN-48.

Also, see consistency analysis of SN-41, above.

III. LAND USE AND HOUSING ELEMENT

The 2014 SMMLCP Land Use Element discusses natural and manufactured environments, including directing development into the most appropriate locations to protect the

area's natural environment. The following applicable policies relate to the 2014 SMMLCP's objective to protect significant resources from development, maintain distinctive community character, and maintain the natural beauty of the Santa Monica Mountains and significant ridgelines, canyons, oak woodlands, rivers, and streams:

The goals, objectives, and policies set forth in the 2014 SMMLCP Land Use Element address such issues as compatibility with existing resources and community character and the pattern and character of development. Goal LU-1 seeks "[l]and uses that reflect and are compatible with existing environmental resources and community character." Goal LU-2 encourages "[a] pattern of land use that promotes social, environmental, and economic wellbeing while preserving the environmental resources and unique character of the land within the Santa Monica Mountains. The Project is designed with these goals in mind to ensure the Project is compatible with its rural environment while improving environmental conditions within and surrounding the Project site. Policies relevant to the Project include:

- Policy LU-1: New residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the existing golf course, clubhouse/cart barn buildings, maintenance buildings and parking lots, while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, which would require the removal of ESHA for not only development of the separate, individual residential estates, but also larger fuel modification buffers, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

The Project and its uses are allowed uses within the respective 2014 SMMLCP land use designations for the Project site, consistent with this Policy. Zoning on the Project site is consistent with the Land Use designation in the 2014 SMMLCP and the approved uses on the Project site. See Section 5.9 in the Project's Draft EIR, which illustrates the consistency of the Project with this Policy.

- Policy LU-2: Retain the area's natural setting, rural and semi-rural character, and scenic features.

The Project site is comprised of 650 acres on 29 legal lots. Over 450 acres of the Project site would be dedicated as permanent open space in the Santa Monica Mountains National Recreation Area, thereby preserving the vast majority of the Project site as natural habitat.

The Project's proposed structures would be designed to be sensitive to the surrounding environment and to work together as a cohesive whole. Buildings would be clustered in the southernmost area of the Project site, and located within the already disturbed and developed area of the existing golf course, clubhouse/cart barn buildings, maintenance buildings, and parking lots. The Project would locate structures at various elevations that make use of the existing topography and follow the existing contours so the proposed buildings are organized and articulated within the landscape to blend in with the viewshed. The proposed structures would occupy elevations that are lower than the identified public viewpoints, and would incorporate design elements that blend the new building designs with the surrounding topography and color palette, such as earth-tone exteriors with wood and stone facades. The Project structures would not exceed the height limitations indicated in the LUP. Green roofs, natural materials, native landscape and the open space of the golf course would blend together to create a built environment compatible with the steep slopes and ridgelines surrounding its valley setting and maintaining the surrounding viewshed.

The Project would not be visible from most of the parkland south of the Project site because the parkland is at a much lower elevation than the Project site, and is otherwise sheltered by undeveloped ridgelines. While visible from some parklands, the Project would not block or impede views of scenic resources from a designated scenic highway or parklands. Mature landscaping would act as a vegetation buffer around the proposed buildings. Few Project components would be visible from Mulholland Highway and surrounding hillsides due to the sloping nature of the Project site and Project development strategy. Because the development area is located at a much lower elevation than Mulholland Highway, the proposed buildings would not interfere with public views from Mulholland Highway. With its proposed facilities, the Project would be consistent with this Policy.

- Policy LU-4: Maintain areas of diverse natural topography which provide, through the preservation of large undeveloped areas, long-range vistas of open ridgelines and mountain slopes.

See consistency analysis under CO-130 and LU-2, above. None of the Project's structures would break a ridgeline view as seen from public places. High scenic value features such as waterfalls, canyon walls, and creeks would be preserved and protected.

- Policy LU-5: Prohibit development on Significant Ridgelines, following those LUP policies and standards designed to protect ridgeline resources.

None of the Project's structures would break a ridgeline view as seen from public places. See consistency analysis under LU-2 and LU-4, above.

- Policy LU-7: Preserve ridgelines and open space areas that define and maintain the rural character of developed areas.

None of the Project's structures would break a ridgeline view as seen from public places. See consistency analysis under LU-2 and LU-4, above.

- Policy LU-9: Land divisions shall only be permitted if each new parcel being created contains an identified development area and any necessary access road that could each be developed consistent with all policies of the LCP and without building in H1 or H2 "High Scrutiny" habitat areas, H1 habitat buffer, or removing or modifying H1 or H2 "High Scrutiny" habitat for fuel modification. In the case of subdivisions or lot line adjustments that include the creation of a parcel(s) that is dedicated or restricted to open space uses (through open space easement, deed restriction, or donation to a public agency for park purposes), no demonstration of building site or access road outside of SERA is required for the open space parcel(s).

See consistency analysis under CO-75, above.

- Policy LU-20: Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space.

The Project would provide visitor-serving commercial accommodations clustered in the southern portion of the site adjacent to Encinal Canyon Road, an area which already is disturbed by construction and operation of the golf course and its clubhouse/cart barn buildings, maintenance buildings, and parking lots, while maintaining the rural nature of the rest of the Project site. The Project site is comprised of 650 acres on 29 legal lots. Rather than propose residential estate development on each of these lots, which would require the removal of ESHA for not only development of the separate, individual residential estates, but also larger fuel modification buffers, the Applicant proposes a project that would develop an educational retreat with meeting rooms and visitor-serving overnight guest accommodations, all clustered on previously disturbed and/or developed areas of the Project site. Over 450 acres of the Project site would be dedicated as permanent open space, thereby preserving the vast majority of the Project site as natural habitat.

All grading activities would be limited to the already disturbed and/or developed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this Policy. Grading would be required within the already graded and disturbed areas of the existing golf course to create building pads for proposed structures, install needed

infrastructure, and remodel the golf course. All cut and fill would be balanced on the Project site, thereby avoiding the need for a haul route along Encinal Canyon Road. The grading would meet the requirements for Hillside Grading established by the County Engineer, consistent with this Policy.

A vegetated detention basin also would be located at the south end of the parking lot to improve water quality. The Project would remove the majority of the existing non-native ornamental landscaping and replace the non-native vegetation (palms, eucalyptus, and pines) with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle.

Upon completion of final grading, the Project site would be landscaped and/or paved with permeable surfaces. Drought tolerant species would replace existing ornamental landscape and turf on the golf course, which comprises the majority of the Project site.

- Policy LU-28: Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles

According to the Land Use Policy Map within the 2014 SMMLCP Land Use Element, the development area and golf course at the Project site is designated as Visitor-Serving Commercial Recreation-Limited (CR), while the areas located around the development area, which make up the majority of the Project site, are designated Rural Lands (RL20). The portion of the Project site located to the east of Clubhouse Drive from Encinal Canyon Road is designated Open Space (OS). The CR designation allows for the establishment of visitor-serving, resource-based commercial recreation uses characterized by large open space areas, limited building coverage, and minimal modification of the natural environment. The principal permitted use is low-intensity commercial establishments offering a variety of goods and services to visitors. Other permitted uses - consistent with all development standards - include restaurants, general stores, bed-and-breakfast facilities, hostels, public recreation areas and facilities, trails, low-intensity conference centers, and private commercial recreation including fish ponds, equestrian facilities, and club houses. Maximum land use intensity of 0.3 floor-area ratio (FAR).

The Project would be consistent with the low-intensity development mandate of the 2014 SMMLCP. The Project would create a project far below the maximum allowable density. The portion of the site designated Commercial Recreation in the 2014 SMMLCP, which consists of approximately 330.5 acres of the 650-acre site, could be developed at a maximum land use intensity of 0.3 FAR (Floor to Area Ratio). However, the Project would create just 224,760 square feet of development, which would be a FAR of under .016, which is only 5% the 4,318,974 square feet of development allowed under the 2014 SMMLCP.

Allowing building development of 224,760 square feet on 20 acres within the larger 650-acre property (approximately 0.3% of the total Project site) would balance the need for conference and educational retreat facilities and economic sustainability and growth in the County with protection of the surrounding rural environment. It would allow clustered development in the southern portion of the Project site, an area which is highly disturbed from its natural state and adjacent to the Encinal Canyon Road, while maintaining the rural nature of the remaining portions of the Project site.

The majority of the remaining areas of the Project site is designated as RL20 (Rural Land). The RL20 designation allows for low-impact single-family homes and other sensitively located uses, such as retreats, monasteries, public recreation areas and facilities, trails, campgrounds, tent camps, bed-and-breakfast facilities, public and local-serving private schools, water tanks, and telecommunications facilities. The 2014 SMMLCP Land Use Element refers to the underlying zoning designation for specific allowable uses and development standards within this land use designation. This entire area, as well as the portion designated as Open Space, consisting of approximately 450 acres would be permanently dedicated as open space.

Consistent with Policy LU-43, the Project would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping at the Malibu Golf Club, and would remove 1,590 non-native trees (palms, eucalyptus, pines) relocate some non-native pine trees, and plant native oak and sycamore trees at the Project site. Over 50% of the non-native trees at the Project site would be removed. All new trees planted at the site would be native California trees. The Project also would include removal of all septic tanks throughout the Project site with the exception of the septic tank serving the caretaker's house in the northern portion of the Project site, and would install a wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course. The remodeled 18-hole golf course would use a "smart" irrigation system, which would use 32% less water than the existing golf course.

As indicated above, the 2014 SMMLCP Land Use Element includes policies to preserve public health, safety, and welfare; preserve and protect significant environmental resources; recognize and avoid natural hazards; enhance recreational opportunities; protect the integrity of existing rural communities; and protect the unique cultural and social characteristics of the region's rural residential communities, including equestrian activities. The Project meet these policy objectives through the creation of an institute use which is sensitive to the surrounding environment and rural characteristics of the area, while also improving the environment and recreational activities in the Santa Monica Mountains.

Rather than proposing residential estate development on each of these parcels, which would require removal of ESHA and SERA for not only the development of the separate, individual residential estates, but also larger fuel modification buffers, the Project would develop a retreat, with buildings clustered on just 20 previously disturbed and/or developed acres or three percent of the property. By clustering development on the

southern portion of the property, the Project would provide over 450 acres of mostly undisturbed native habitat, nearly all of it Environmental Sensitive Habitat Area (ESHA), as permanently dedicated open space. This open space area includes significant ridgelines, which would be permanently protected as part of the Project and helps maintain the rural character of the Project site.

The Project would be designed to provide state-of-the-art conference and educational facilities with high-quality accommodations constructed in a manner that would blend with the surrounding environment and minimize any adverse impact to the natural environment. The buildings would be LEED™ Platinum or equivalent designed to reflect the existing mountainous and rustic character of the property. The Project design would be simple in form, function and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees. Sustainability features incorporated into the Project would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions.

- Policy LU-32: Require that new development be compatible with the rural character of the area and the surrounding natural environment.

See consistency analysis of LU-1, LU-7 and LU-20, above.

- Policy LU-35: Development on parcels must be clustered and concentrated in one development area, particularly within lands designated either Rural Lands or Rural Residential, to facilitate fire protection and to preserve and minimize impacts to coastal resources and the area of disturbance. Areas surrounding the approved development area shall be required to be dedicated as open space in perpetuity.

See consistency analysis of LU-28, above.

- Policy LU-37: Limit structure heights to ensure protection of scenic resources and compatibility with surrounding settings.

The structures on the Project site would be clustered at the southernmost area of the Project site, at its lowest elevation. Grading would occur within the already graded and disturbed areas of the existing golf club and would be balanced on the Project site. The Project's proposed buildings would comply with required height limitations, as noted in Section 3, Project Description, of the Project's Draft EIR.

- Policy LU-39: Site and design development so as to: protect life and property; protect public lands, H1 habitat area, dedicated open space, streams, scenic resources, public views, and other natural features and resources; maximize open space areas; and, minimize the overall vegetation clearance needed for fire protection.

See consistency analysis of LU-7, LU-9 and LU-28, above.

- Policy LU-42: Limit exterior lighting, except when needed for safety. Require that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

See consistency analysis under CO-94, above.

- Policy LU-43: Require the use of low-volume irrigation and locally-indigenous and drought-tolerant plant species in all development projects. Require the use of smart irrigation systems, and require the rapid repair of broken sprinkler systems. Prohibit the use of invasive species in all landscaping projects.

The wastewater treatment system implemented on the Project site would minimize impacts to public health, water quality and natural resources, including existing oak, sycamore, and other native trees.

The Project would abandon the existing septic system currently serving the golf club with the exception of a single septic tank that serves the caretaker's residence by Mulholland Highway. Abandonment would be accomplished pursuant to existing regulations for abandonment issued by the County of Los Angeles. The Project would install a wastewater treatment facility designed to retain solids in holding tanks while treating liquid wastes to a level required for the use of recycled water on public golf courses. The system would be operated pursuant to the provisions of the permit issued by the LARWQCB. The remodeled 18-hole golf course would use a "smart" irrigation system, which would use 32% less water than the existing golf course. Replacement of the existing septic system with a modern wastewater treatment facility would serve to protect downstream waters in Trancas Canyon Creek, which discharges directly into the Pacific Ocean, from coliform bacteria and other toxics that can be the result of septic system malfunction.

The Project would remove the majority of the existing non-native ornamental landscaping and replace the non-native vegetation with native, drought-tolerant species designed to use water more efficiently and to prevent the spread of invasive non-native species downstream. Existing golf course ponds would be temporarily drained, dredged and cleaned to remove non-native aquatic invasive species, particularly crayfish, to prevent the spread of these species downstream and to restore habitat for the California newt and Western pond turtle as discussed in Section 5.3, Biological Resources, of the Draft EIR.

- Policy LU-46: Require that all development incorporate low impact development (LID) strategies to the maximum extent feasible, which emphasize an integrated system of decentralized, small-scale measures to minimize alteration of the site's natural hydrologic conditions through infiltration, evapotranspiration, filtration, detention, and retention of runoff close to its source, as contained in the LCP.

The Project would not alter the “natural hydrologic conditions”. During construction of the golf course in the 1970s, flows of Trancas Creek through the golf course were placed in underground culverts and pipes. The Project would daylight some of these flows, flows, while leaving the underground culverts and pipes for flood protection, to avoid potential erosion in the daylighted sections, and eliminate the potential increase in siltation.

All grading would occur within areas previously disturbed during construction of the golf course in the 1970s. The proposed grading would not change the natural topography of the Project site.

The Project is designed to help improve water quality within Trancas Canyon, a designated Significant Watershed Area. Storm water runoff during construction and operational phases of the Project has the potential to contain pollutants that could adversely impact sensitive biological resources. However, implementation of a Storm Water Pollution Prevention Plan (SWPPP), compliance with the County's MS4 requirements, observance of proper Best Management Practices (BMPs), and compliance with treatment measures in compliance with the County's Low Impact Development (LID) requirement would be required for this Project during construction and operational phases.

Specific BMPs to be implemented include the use of a sand cap under the turf on the golf course, the use of green roofs, the use of vegetated bioswales, and the installation of pervious pavement in the parking lots and other pathways to increase infiltration of nuisance and storm water runoff as compared to existing conditions. Section 5.8, Hydrology and Water Quality, of the Project's Draft EIR contains a detailed discussion of site drainage in the existing and post-Project condition and Hydrology and Water Quality reports contained in Appendix G of the Draft EIR provide calculations that support the analysis, consistent with this policy.

Further, construction phase impacts to site hydrology would be minimized through compliance with the regulatory requirements of the Construction General Permit as implemented by the Project's SWPPP. All grading activities would be limited to the already disturbed portions of the Project site. The proposed grading would not change the natural topography of the Project site. Implementation of BMPs would reduce any construction phase and post-construction phase erosion impacts to a less than significant level, consistent with this policy.

- Policy LU-48: Require all new commercial and institutional development to be compatible with the rural character of the area and the surrounding natural environment to the maximum extent feasible.

See consistency analysis under LU-2 and LU-28, above.

- Policy LU-49: Require all new commercial and institutional development to minimize adverse impacts on adjacent properties through careful use of arrangement of buildings,

architectural design, and types of uses proposed. These impacts include, but are not limited to: noise, odors, fuel modification, maintenance of community character, and views.

See consistency analysis under CO-21, CO-43, CO-96, CO-124, SN-41, above.

The Project's traffic impacts would be less than significant as demonstrated in the analysis provided in Section 5.13 of the Project's Draft EIR, based on the Traffic Impact Analysis (TIA) prepared for this Project and included as an Appendix to the Draft EIR. All potentially affected intersections and street segments are currently operating at an acceptable level of services (LOS C or better), which would not change with the development of the Project in the existing plus Project or the cumulative plus Project scenarios. Accordingly, the Project would be consistent with this Policy. Also, see consistency analysis under LU-2 and LU-28, above.

County-approved Santa Monica Mountains Local Implementation Program

As discussed above, the LIP is a component of the 2014 SMMLCP and serves as the implementation counterpart to the Santa Monica Mountains Land Use Plan. When adopted, the LIP provisions also would become part of the County Code and guide new development in the Santa Monica Mountains Coastal Zone.

According to the new Zoning Map (West), the development area of the Malibu Institute, which includes the golf course is zoned Resort and Recreation (R-R), with the areas outside the golf course and the Project's development area zoned Rural-Coastal (R-C-20). In addition, the small portion of the property located east of the project entrance from Encinal Canyon Road is zoned Open Space (O-S). Each of these zoning designations contain a list of permitted uses. In particular, the development area zoned Resort and Recreation allows for:

Modifications to, or replacement of, golf courses first established prior to the certification of the LCP, and any new or replacement clubhouse, meeting, seminar, dining, and other appurtenant facilities, provided that new visitor-serving overnight accommodations shall only be permitted if not less than 10 acres of open space area is dedicated to a public agency per each individually keyed guest room or guest bungalow permitted.

LIP, § 22.44.1760.D.1.

The Project would be consistent with the requirements and regulations of the LIP. The Project complies with all applicable LIP sections including those related to land divisions (22.44.650); vegetation management and landscaping (22.44.1240); height limits (22.44.1250); grading (22.44.1260); exterior lighting (22.44.1270); fences, gates and walls (22.44.1310); construction colors, materials, and design (22.44.1320); water resources (22.44.1340); hillside management (22.44.1350); vehicle parking spaces (22.44.1410); parking permits (22.44.1415); visual resource protection (22.44.1440); low impact development (22.44.1510); resort and recreation zoning permitted uses

(22.44.1760); and the area-specific development standards for biological resources (22.44.1800), scenic resources (22.44.1990), and hazards (22.44.2050).

The Project would provide a sports-oriented educational retreat, including educational and meeting facilities, overnight visitor-serving accommodations in 40 bungalows, the continued public use of a remodeled 18-hole golf course, and associated warehouse, cart barn, pro shop and clubhouse buildings, and the dedication of over 450 acres as permanent open space.

These uses are allowed under the LIP with approval of a coastal development permit. The Project would maintain and improve the public golf course, which has existed since the 1970s, and would replace the existing golf-related structures with new clubhouse, meeting, seminar, dining, and other appurtenant facilities. In addition, the Project would meet the open space requirement by providing over 450 acres of permanent open space for the 40 proposed bungalow rooms. Accordingly, the Project would meet the specific requirements of section 22.44.1760.D.1.

In addition, the Project would meet the minimum standards for land divisions and would incorporate native, drought-tolerant landscaping, replace most of the existing ornamental non-native landscaping on the Malibu Golf Club, and would remove 1,590 non-native trees (palms, eucalyptus, pines). All new trees planted at the site would be native California trees. The Project would meet the height requirements of section 22.44.1250 of the LIP as all structures would not exceed 35 feet above natural or finished grade (whichever is lower).

The Project would involve approximately 120,000 cubic yards of grading, which would be balanced on the Project site by moving dirt between the building development area and the golf course. The Project would move as quickly as possible, but grading might not be completed prior to the rainy season. Given the Project's location at the headwaters of Trancas Creek and the need to restore the golf ponds on the Project site by draining and drying the ponds to remove invasive species, under LCP Policy CO-17, it would be much more protective of the environment to continue grading during the rainy season with increased erosion control measures than to stop grading during the rainy season.

The Project would maintain sufficient off-street parking for the golf course and other proposed uses at the Project and would obtain approval of a Parking Permit to authorize the use of shared parking between lots on the Project site. Although the Malibu Institute would satisfy Code-required parking for the entire Project, in order to cluster the buildings in the southern portion of the 650-acre property and allow the dedication of over 450 acres of permanent open space, the Project cannot satisfy Code-required parking on each respective lot, and, instead would provide shared parking between lots.

In addition, the Project would meet all standards and regulations related to exterior lighting; fences, gates and walls; construction colors, materials, and design; low impact development and scenic resources.

The Project design would be simple in form, function and architectural character, with the intent of complementing the surrounding rural setting. Buildings would be screened from Encinal Canyon Road and Mulholland Highway with landscaping, including mature oaks trees and other native trees. Sustainability features incorporated into the Project would minimize the consumption of natural gas and other carbon-based fuels and their associated greenhouse gas emissions.

The Project design features that would be protective of environmental resources in that the Project proposes using gas hearths rather than wood burning fireplaces in bungalows; using reclaimed water for a portion of golf course irrigation; and installing smart irrigation systems for the golf course capable of reducing water consumption by 32 percent. The Project also would replace existing outdoor overhead parking lot lighting with new lighting complying with the County's Rural Outdoor Lighting District Ordinance that would limit wattage and hours of operation.

IV. CIRCULATION ELEMENT

The 2014 SMMLCP Circulation Element sets forth goals and policies and implementation actions aimed to facilitate access to recreational resources while recognizing overall regional circulation needs. The overall goals and objectives of the Circulation Element call for balancing roadway carrying capacity with environmental protection, managing roadway demand; and encouraging transportation alternatives. Goal CI-1 strives for “[a] transportation system consistent with the area’s rural and scenic qualities and environmental threshold carrying capacities.” Goal CI-2 seeks “[a] safe and efficient roadway network that can accommodate projected traffic growth in a manner consistent with protecting environmental resources and existing neighborhoods.” Finally, Goal CI-3 encourages “[a]lternative travel modes to the single-occupant automobile for local, commuter, and recreational trips.” The Project has incorporated numerous design features and other measures to meet these goals. Any traffic-related Project impacts would be less than significant. The following policies are relevant to the Project:

- Policy CI-7: Emphasize other transportation system management solutions, including improved public transit and non-motorized transportation, such as bicycles.

The Department of Public Works approved the Project's traffic study on October 10, 2013. The Project would support the transportation goals and policies of the 2014 SMMLCP since the Project's traffic study is based on traffic projections that reflect the anticipated land use changes both on the Project site and within the general vicinity. The Project would not conflict with any policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The Project would promote onsite circulation by foot by providing pedestrian facilities consisting of ample walkways that connect the Project's various components and structures. The Project would provide charging stations for electric vehicles and a shuttle service to and from area airports for overnight guests. In addition, the Project would install bicycle stalls to serve guests and employees who may bicycle to work.

- Policy CI-16: Provide opportunities, such as park-and-ride lots, for local residents to car- or bus-pool to work thereby reducing the number of single-occupant vehicle trips generated in the LUP area.

See consistency analysis of CI-7, above.

- Policy CI-17: Provide other opportunities, such as centralized learning centers with computer access, to reduce the need to commute long distances to colleges and universities.

The Project would provide a venue for educational programs through the Malibu Institute's affiliation with the University of Southern California and a wellness center, consistent with this Policy.

- Policy CI-19: Limit the density and intensity of development in rural and mountainous areas to a level that can be accommodated by existing road capacity and without creating significant adverse impacts.

The Project would remodel an existing golf club that would retain its existing use and public access while increasing the facilities available on the site, all within the existing disturbed and/or developed footprint of the original golf course. The Project site is accessed primarily from Encinal Canyon Road via Pacific Coast Highway and/or Mulholland Highway. No change in access is anticipated. As discussed in the Project's Draft EIR and the Project's traffic study, which was approved by County Public Works, the Project would have a less than significant impact on traffic and circulation. All potentially affected intersections and street segments are currently operating at an acceptable level of services (LOS C or better), which would not change with the development of the Project in either the existing plus Project or the cumulative plus Project scenarios. Accordingly, the Project would be consistent with this Policy.

- Policy CI-20: Analyze the traffic impacts of a proposed development by considering the project's system-wide effects, including effects on transportation alternatives and the potential for bottlenecks in the area's roadway system.

See consistency analysis under CI-7 and CI-19, above. The Project would not introduce a land use that was incompatible with roadways in the vicinity. The Project does not propose any construction-related import or export from grading activities that would substantially increase truck traffic. The Project would not introduce a condition, either temporary or permanent, that would pose a substantial increase in traffic hazards.

- Policy CI-21: Require each new development causing cumulative circulation impacts to construct or fund its fair share of any necessary circulation system improvements or additions.

See consistency analysis of CI-19, above.

- Policy CI-23: Encourage transportation alternatives, including public transit service, staging areas, and park-and-ride lots, both within the region and from metropolitan Los Angeles to the area's major parks and recreation areas.

See consistency analysis of CI-7, above.

- Policy CI-26: Encourage the use of locally-based contractors, service providers, and laborers rather than those that need to travel long distances to work sites in the LUP area.

The Project, when feasible, would use locally-based contractors, service providers and laborers. The Project would balance cut and fill dirt on the Project site, thereby avoiding the need for a major haul route along Encinal Canyon.

- Policy CI-30: Incorporate bike lanes and/or bike use signage into local road designs wherever feasible and safe.

See consistency analysis of CI-7, above.

- Policy CI-31: Ensure that improvements to any roadway or trail containing a bikeway and/or trail do not adversely affect the provision of bicycle or trail use.

See consistency analysis of CI-7, above.

- Policy CI-32: Support the region-wide expansion of alternative transportation methods, including rail lines, transitways, bike paths, and rapid bus systems, where consistent with the policies of this LUP.

See consistency analysis of CI-7 and CI-19, above.

V. PUBLIC FACILITIES ELEMENT

A. Water and Sewer Services

The 2014 SMMLCP Public Facilities Element addresses water supply, wastewater and other water-related issues. Goal PF-1 of the Public Facilities Element requires “[a]dequate water supplies and water and sewage disposal systems to support existing and future planned land uses.” The Project would reduce the existing demand for water at the Project site and strived to improve water-related conditions at the Project site. Water supply policies relevant to the Project include:

- Policy PF-1: New development of a sewage treatment plant or improvements to an existing plant shall be sited and designed to avoid impacts to coastal resources.

The Project site is located in an area that is not served, and would not be served by a

municipal sewer system. Therefore, the Applicant proposes to use an Onsite Wastewater Treatment System (OWTS) that would include a water recycling feature. The proposed OWTS would consist of a sewer network within the proposed 20-acre development area gravity draining the resulting wastewater to a proposed treatment facility installed underground near the information building at the entrance of the Project site on Clubhouse Drive, near Encinal Canyon Road. The OWTS would use a combination of aeration, ultrafiltration, and disinfection to treat effluent to Title 22 standards, which would be suitable for unrestricted, non-potable uses onsite.

Because the Project is not a residential use, the County of Los Angeles would not be obligated to operate, maintain or monitor the proposed treatment facility. Also, as the Project is a commercial use, regulatory agencies could order Project operations to cease in the event of failure of the proposed treatment facility until it was repaired. As such, to ensure the facility would be properly operated, the OWTS would be operated, managed and maintained by the Ventura Regional Sanitation District (VRSD), and the Applicant would post a bond or security to ensure VRSD or its successor will have adequate funds to operate, maintain and monitor the proposed treatment facility.

There are two options for dispersal of the treated effluent/recycled water generated by the OWTS. Under the preferred option, the treated effluent/recycled water would be dispersed as irrigation on the eastern portion of the 122-acre golf course, to supplement potable water supplies currently being used to irrigate. The recycled water would be dispersed either through spray irrigation or subsurface drip lines at least nine inches below ground surface. Under the second option recycled water would be dispersed to a conventional subsurface dispersal system, which would be regulated by the County Department of Public Health, and the treated water would be allowed to percolate to groundwater. Under either dispersal option, the proposed OWTS is the appropriate long-term wastewater management solution for the Project site, as there is no private or public wastewater utility infrastructure in the vicinity that could serve the Project site.

Under the first dispersal option, the Project would provide a unique opportunity to use wastewater treated to Title 22 standards to irrigate a portion of the golf course, reducing the demand for potable water supplies. Under the second dispersal option, the treated effluent would be allowed to recharge the groundwater under the Project site.

- Policy PF-2: Coordinate the land development review process with water purveyors to assure that adequate long-term water supplies and adequate water and sewer infrastructure are available to serve existing and planned development, without negatively impacting supplies and services for existing development.

The Project site currently receives potable water from the Las Virgenes Municipal Water District, which has adequate facilities to provide the amount of water required by the Project. The Las Virgenes Municipal Water District has issued a will serve letter for the Project, in compliance with this Policy. In addition, there are six operating groundwater wells on the site, which produce water used for irrigation of the golf course. This supply would be supplemented by recycled water made available through the Project's

wastewater treatment facility and recycling program, which would help to reduce by 32% the amount of potable water needed for landscape maintenance from the Las Virgenes Municipal Water District, consistent with this policy.

The Project would be consistent with applicable provisions of Title 20 regulations by using high-efficiency plumbing fixtures. Further, the Project's water demand would be consistent with the Las Virgenes Municipal Water District's Urban Water Management Plan and the Project would comply with the County's Drought Tolerant Landscaping Ordinance. Specifically, the Project would support numerous 2014 SMMMLCP goals and policies related to water by: incorporating water conservation measures into the Project design, including appropriate water infrastructure improvements and mitigating any associated impacts, ensuring a guaranteed supply of water and associated storage capacity, protecting groundwater recharge, and introducing drought-tolerant landscaping.

As indicated above, the Project would reduce the demand for potable water provided by Las Virgenes Municipal Water District at the Project site relative to current water usage regardless of the Project's plans to supplement its irrigation demands with onsite supplies of well water or recycled water. As the Project would result in a net reduction in demand for potable water to be supplied by LVMWD, primarily due to the incorporation of water saving features into the remodeled golf course. The provision of recycled water supplies from the onsite wastewater treatment system under the preferred option for wastewater treatment would further reduce the demand for potable water by using recycled effluent to irrigate the golf course and other landscaping.

- Policy PF-3: Reduce potable water consumption and the need for new water supplies through required and active water conservation programs.

See consistency analysis of PF-2, above.

- Policy PF-4: Encourage advance treatment of wastewater or an equivalent standard.

See consistency analysis under PF-1, above.

- Policy PF-5: Expand potential uses for existing and future recycled water resources.

See consistency analysis under PF-1, above.

- Policy PF-7: Require the use of recycled water for commercial and public uses and facilities, such as golf courses, landscape irrigation, maintenance of public lands, and other approved purposes where this resource can be feasibly provided.

See consistency analysis of PF-2, above.

- Policy PF-8: Require that proposed development projects gain approval of design and financial arrangements from the appropriate water purveyor for construction of water and

sewer facilities prior to recordation of tract maps (or issuance of grading or building permits, if a tract map is not involved).

See consistency analysis of PF-2, above. The Ventura Regional Sanitation District (VRSD) would operate, monitor and maintain the OWTS, and the Project would use the treated effluent to irrigate a portion of the 107-acre golf course, which currently is irrigated using potable water, through either spray irrigation or subsurface piping 9-12 inches below ground surface. The design and installation of the OWTS would be subject to approval by the Los Angeles Regional Water Quality Control Board to ensure requirements related to protection of water resources are not exceeded. Given the foreseeable low growth potential and physical limitations of the surrounding areas, the proposed OWTS is the appropriate long-term wastewater management solution for the Project site. The Project would provide a unique opportunity to use wastewater treated to Title 22 standards to irrigate a golf course rather than using potable water. Also, see consistency analysis under PF-1, above.

B. Fire and Paramedic Services

Fire-related goals within the 2014 SMMLCP Public Facilities Element pertain to providing adequate fire and paramedic service in the Santa Monica Mountains despite the large size of the service area, the relatively small number of streets, and traffic congestion. Goal PF-3 of the Public Facilities Element requires “[a]dequate fire and paramedic services to meet existing and future demand.” Relevant policies identified in the 2014 SMMLCP include:

- Policy PF-18: Continue to consult and coordinate with the Fire Department as part of the project review process.

The Project site is located in an area subject to high fire severity hazard; however, the Project’s buildings would be designed pursuant to code for fire resistance, have green roofs that would be irrigated, would be fitted with appropriate interior sprinkler systems, and would observe Fire Department required fuel modification zones. The Fire Department has reviewed and approved the preliminary fuel modification plan for the Project. Occupied buildings would be physically separated from areas with highly flammable fuels by paved parking lots and the irrigated golf course. The Project would include fire alarms, firewalls and dampers, and detector devices in accordance with the State Fire Marshall requirements. Fire lane access throughout the development area, adequate turning radii for fire equipment, and turnarounds for fire protection equipment would be incorporated into the Project design subject to review and approval by the Fire Department. The water system would provide adequate fire flow as determined by the Fire Department, consistent with this Policy.

The Project’s proposed buildings would have fire retardant roofing in compliance with the County Code, consistent with this Policy.

The Project would include the removal of non-native ornamental landscaping and would plant native, drought tolerant species as required within ESHAs and Significant Watersheds. Species used would comply with fire safety requirements, including

requirements for fuel modification in the vicinity of occupied structures, consistent with this Policy.

The Applicant would prepare and submit an emergency response plan for approval by the County of Los Angeles Fire Department, which will include mapping of site access and emergency exits, evacuation routes for vehicles and pedestrians, and locations of the nearest hospitals and fire stations. Further, all Project construction managers and supervisory personnel would be trained in emergency response and fire safety operations.

- Policy PF-19: Reduce fire hazards by:
 - Reviewing new development for adequate water supply and pressure, fire hydrants, and access to structures by firefighting equipment and personnel;
 - Requiring, where appropriate, on-site fire suppression systems for all new residential and commercial development to reduce the dependence on Fire Department equipment and personnel;
 - Limiting the length of private access roads to reduce the amount of time necessary for the Fire Department to reach residences and to minimize risk to firefighters;
 - Requiring project design to provide clearly visible (during the day and night) address signs for easy identification during emergencies; and
 - Cooperating with the Fire Department to ensure compliance with the Fire Code.

See consistency analysis under PF-18, above.

C. Police Services

Goal PF-4 of the 2014 SMMLCP Public Facilities Element relates to providing adequate police services to meet local needs and provide a safe and secure environment for people and property. The following policies identified in the Public Facilities Element are relevant to the Project:

- Policy PF-21: Continue to consult and coordinate with the Sheriff's Department and CHP as part of the environmental review process for projects subject to CEQA.

The Project incorporates design features to limit the impact of the Project on law enforcement services. These measures are consistent with Crime Prevention Through Environmental Design (CPTED) principles intended to increase public safety, including adequate lighting design, fencing and private security services. The County Sheriff's Department reviewed the Draft EIR and determined the Project would not cause a significant impact on sheriff's services in the area. In addition, the Project's design would incorporate state-of-the-art security features to provide for the safety of employees and visitors including the provision of full-time private security guards on the Project site to monitor the entire Project site, a guard kiosk positioned at the main vehicular entrance, closed circuit television cameras to monitor the development area, fencing

around portions of the development area, and alarm systems for all Project buildings with motion sensors and video surveillance.

- Policy PF-22: Support existing programs such as Neighborhood Watch and encourage expanded or new programs that focus on the elimination of crime, such as anti-graffiti programs.

See consistency analysis under PF-21, above.

- Policy PF-23: Support efforts to eliminate street racing activities, including the seizure and forfeiture of vehicles used in speed contests or in exhibitions of speed, to address the nuisance and unsafe conditions created by the use of vehicles in such activities.

See consistency analysis under PF-21, above.

D. Solid Waste Services

The 2014 SMMLCP Public Facilities Element addresses solid waste and recycling issues. Goal PF-5 of the Public Facilities Element requires “[a]dequate solid waste services to meet existing and future demands without degrading the quality of the natural environment.” The Project would meet and exceed solid waste reduction mandates with innovative solutions to be implemented on the Project site. The following policies are relevant to the Project:

- Policy PF-24: Design all new buildings with proper facilities for solid waste storage, handling, and collection pickup.

With regard to the 2014 SMMLCP, the Project would support policies and implement recycling practices to reduce solid waste produced at the Project. The features to be incorporated into the Project’s design also would directly support the goals, objectives, and policies set forth in the plans, including those pertaining to solid waste, such as the implementation of waste diversion programs (i.e., recycling) during construction and operation of the Project, and consistency with the ordinances developed through the County’s Green Building Program.

In addition, project design features to be implemented as part of the Project would create composting systems for food waste and green waste, including grass clipping and landscape maintenance. The proposed compost would reduce the solid waste hauled off-site and would be reused at the Project site.

- PF-27 Support measures for recycling of materials and financing mechanisms for solid waste reduction programs.

With regard to the 2014 SMMLCP, the Project would support policies and implement recycling practices to reduce solid waste produced at the Project. The features to be incorporated into the Project’s design also would directly support the goals, objectives, and policies set forth in the plans, including those pertaining to solid waste, such as the

implementation of waste diversion programs (i.e., recycling) during construction and operation of the Project, and consistency with the ordinances developed through the County's Green Building Program.

In addition, Project design features to be implemented as part of the Project would create composting systems for food waste and green waste, including grass clipping and landscape maintenance. The proposed compost would reduce the solid waste hauled off-site and would be reused at the Project site.

Based on the above analysis, the Project is consistent with the 2014 SMMLCP.



Local Agency Formation Commission
for the County of Los Angeles

Commission
Jerry Gladbach
Chair

Richard H. Close
Donald L. Dear
Margaret Finlay
Tom LaBonge
Gloria Molina
Henri F. Pellissier
David Spence
Zev Yaroslavsky

Alternates
Lori Brogin
Don Knabe
Paul Krekorian
Gerard McCallum
Judith Mitchell
Joseph Ruzicka

Staff
Paul A. Novak, AICP
Executive Officer

June D. Savala
Deputy
Executive Officer

Amber De La Torre
Doug Dorado
Michael Henderson
Alisha O'Brien
Patricia Wood

80 South Lake Avenue
Suite 870
Pasadena, CA 91101
Phone: 626-204-6500
Fax: 626-204-6507

www.lalafco.org

April 15, 2014

Mr. Sam Dea
Section Head, Special Projects Division
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RE: Malibu Institute
Project No. TR071735-(3)

Dear Mr. Dea:

I am writing in response to the notice of public hearing for the proposed Malibu Institute at 901 Encinal Canyon Road in the County's Malibu Zoned District.

According to the Draft EIR (Page 5.14-19), "the Ventura Regional Sanitation District (VRSD) would operate, monitor and maintain the OWTS" (On-site Wastewater Treatment System). The VRSD provides sanitation (solid waste and water/wastewater operations) for a territory that "serves approximately 90% of Ventura County," according to its website. Based upon a review of information from VRSD and Ventura LAFCO, it is my understanding that the boundaries of the VRSD, as well as its Sphere of Influence, do not include any territory within Los Angeles County.

The proposal by VRSD to provide water and wastewater service to the Malibu Institute is subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Specifically, Government Code Section 56133(a), which states that "[a] city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county." In this particular instance, the "commission in the affected county" is the Local Agency Formation for the County of Los Angeles ("LA LAFCO").

I am writing to request that Regional Planning staff incorporate a proposed condition of approval for the Malibu Institute which reads as follows:

"Within 90 days of the County's approval of the Malibu Institute project, the applicant shall file an application with the Local Agency Formation for the

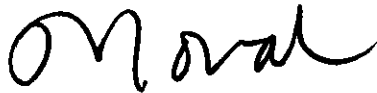
Mr. Dea
Malibu Institute
April 15, 2014
Page 2 of 2

County of Los Angeles ("LA LAFCO") for an out-of-agency service extension, consistent with the requirements set forth in Government Code Section 56133."

Upon receipt of an application, LAFCO would exercise its discretion based upon the application and the evidence that the applicant puts into the record

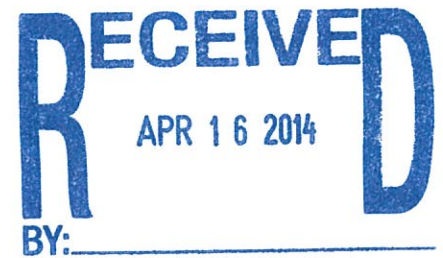
Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Novak", with a stylized, cursive script.

Paul A. Novak, AICP
Executive Officer

Copy to: Ms. Kathleen Truman; Truman & Elliott, LLP
Mr. Kai Luoma, Executive Officer, Ventura LAFCO
Mr. Mark Lawler, General Manager, Ventura Regional Sanitation District
Ms. Helen Parker, LAFCO Counsel



April 14, 2014

Kevin Finkel
LA County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: PROJECT NO.TR071735-(3)

Dear Mr. Finkle:

I am writing this letter to voice my strong opposition to the proposed plan to close the current Malibu Golf Club for several years and have it be transformed into a mega (approximately 201,225 additional square feet of new structures) resort conference center (with a Helicopter Pad) for so-called educational purposes. In particular, 40 "bungalows" ranging from 2,610 square feet to 5,310 square feet of floor space would be constructed on what is now the course's magnificent opening first hole. A 48,164 square foot "conference center" would also be imposed on the pristine site that was developed by the renowned golf course designer William F. Bell in 1976.

I have been a member of the Malibu Golf Club for several years. I have also reviewed the submitted DEIR (volumes 1-3) and the December 9, 1999 Conditional Use Permit (CUP). The basis for my opposition is as follows:

1. Converting the course to a hotel resort and so-called "sports oriented educational retreat" is inconsistent and violates the intent of the 1999 CUP that allowed a golf course (not a resort hotel). to remain open. It's clear that the current owners are trying to allow for the construction of a 300 plus bed capacity resort hotel/restaurant by constructing 40 two-story "bungalows" on the first hole. The 1999 CUP clearly negated the ability to construct any residential homes on the or near the course. The plan to construct "bungalows" is clearly an effort to circumvent the restriction of residences of any kind on the site.
2. Although the EIR refers to an affiliation with the University of Southern California there is no official letter in the EIR that verifies USC's intent or its financial support for the project. Such an affiliation needs to be verified prior to the CUP being modified and approved.
3. The massive nature of the project is not proportional to the needs or interests of local residents as required in the most recent CUP dated December 9, 1999. The area already is increasingly clogged with events held at Calamigos Ranch, the Semler Malibu Estates winery, weekend bicycle and motor cycle tours that have increase the risk of accidents, serious injuries and even deaths. Adding a 300-400 per day and night time use capacity conference center plus another 150-200 per day golfers for the alleged educational purposes will only serve to add the increased traffic and risks on Kanan Dume Road, Mulholland Drive, and the various roads that now feed into the golf course.
4. The DEIR only addresses the impact of traffic congestion at PCH/Kanan Dume and 101/Kanan intersections. It acknowledges the project will produce an additional

998 ADTs, which will be mitigated by modifying the access ramps on the 101. But it fails to compute the impact on the increasing congested Kanan/Mulholland Drive intersection, which already is experiencing more frequent traffic and accidents.

5. The Malibu Golf Club is the only golf course that is available to the residents of the greater Malibu area. Approving this plan will effectively eliminate access to the current course and golf for Malibu residents for many years to come and maybe forever. We have been told by the current owners that the course will close in September of this year. The owners have stated informally to various club members that it will re-open with two years. Due to the expected time required to secure approval from your agency plus the Coastal Commission, LA County Fire Department, and LA County, one can expect to that the time to even begin construction is several years in the future.
6. There is no indication on how current users/members of the golf course will be able to continue to play golf at an affordable price should it ever reopen. In order for the owners to recoup their initial investment and the massive amount of funds required to complete the project, the now affordable green fees will have to rise significantly and rely upon over-night accommodation revenues. Thus the core mission will shift from a golf course to a resort/hotel/golf destination that will not serve the interests or needs of local residents.
7. The entities behind the project have recent histories of bankruptcies and mismanagement, which questions their ability or capacity to operate such a complex.
 - a. Shortly after purchasing the course in 2006 at an excessive price, they filed for bankruptcy in 2009.
 - b. After extensive remodeling of the bar and restaurant, they soon closed.
 - c. The snack bar is chronically short of various snack items for purchase.
 - d. The bar when open was chronically out of beer, wine and food items.
 - e. The golf carts have been plagued with numerous maintenance and battery charging problems.
 - f. They forced the club members in 2013 to vacate and relocate their lockers for the purposes of creating an un-needed conference room.

The applicant has demonstrated an inability to manage this course in a competent and profitable manner. They have had insufficient funds to even operate the current course in a professional manner. Their management and financial track record substantially increases the risk of the project never being completed and the course never re-opening.

This is a significant factor as the DEIR lists over 30 possible significant negative impacts of the project on the environment that must be mitigated by the applicant as construction is proceeding. Some examples are listed in Appendix A. Should the applicant start the process and fail to complete it in a timely manner, the destruction on the site and the environment would be devastating.


Prior to granting a modified CUP, I am asking that the applicant be required to submit the following documents:

1. A time table for completion of the project, which will show the basis for the golf closure in September and when the course is likely to re-open;
2. The projected costs of the entire project;
3. Financial statements showing the amount of funds that have been secured to pay for the project;
4. The anticipated green fees for existing 100 plus club members once the course is re-opened.
5. A letter from USC showing the nature of its relationship to the Applicant and its expected financial contributions to the course on an on-going basis.

If the applicant is unable to produce such basic documents, it would indicate that the real objective to try to sell the project to another investor group rather than actually carry out the project. The Department of Regional Planning and local residents need to know the applicant's true intentions and resources.

Thank you for this opportunity to express my views on this important manner. I would urge the Department of Regional Planning to vote for Alternative 1 of the DEIR – No Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Austin', with a long horizontal flourish extending to the right.

James Austin, Ph.D.

Malibu Golf Club Member
2540 Cayman Road
Malibu, CA 90265

Appendix: Examples of Significant Negative Impacts of the Project that must be Mitigated

Dewatering of the ponds

The proposed dewatering and drying of the ponds and the removal of vegetation from the ponds could have a potentially significant adverse effect on the western pond turtle, and may have a significant adverse effect on the two-striped garter snake, if the two-striped garter snake is present at the site. These species are identified as special-status species by the CDFW.

Impact: Significant but mitigable

How Mitigated:

A Western Pond Turtle Mitigation and Monitoring Plan for the avoidance of impacts to the western pond turtle shall be prepared by a qualified biologist and approved by LACDRP and the CDFW prior to issuance of the grading permit for the Project. The Plan shall involve the capture of all western pond turtles at the Project site, the temporary containment and maintenance of the captured turtles at a suitable on-site or off-site location, and the release of the turtles back to the ponds at an appropriate time when the ponds would provide suitable habitat and the turtles would no longer be threatened by Project activities.

Special-Status Wildlife Species

Ground and vegetation disturbing activities necessary to construct the tee box, construct the pathway to the tee box, and maintain the helipad would impact chaparral and disturbed coastal sage scrub, which could result in potentially significant but mitigable impacts caused by direct mortality or injury to the following potentially occurring special-status species (with varying probabilities ranging from high to very low depending on the species): Trask shoulderband snail, coast horned lizard, western pond turtle, and coast patch nosed snake.

Impact: Significant but mitigable MM5.3-1

How Mitigated:

Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Applicant as the lead biological monitor subject to the approval of the LACDRP and CDFW. That person shall ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g. avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc) are prepared, and shall make these monitoring reports available to LACDRP and CDFW at their request.

Noise Impacts on ESHA

The Project is not expected to be a noise generator as it primarily consists of passive educational and recreational activities, with the remodeled golf course being a continuation of an existing use. However, the Project would continue to host occasional events, and some of these events could be held outdoors and involve the use of amplified sound.

Impact: Significant but mitigable.

How Mitigated:

Use of outdoor amplified music, sounds, or public address systems shall cease by 10:00 p.m.